

Senate Study Bill 1289 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to state and local finances by making
2 appropriations, providing for fees, providing for legal
3 responsibilities, providing for certain employee benefits,
4 and providing for regulatory, taxation, and properly related
5 matters, and including penalties and effective date and
6 retroactive and other applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2016-2017 AND
FISCAL YEAR 2017-2018.

1. For the budget process applicable to the fiscal year beginning July 1, 2016, on or before October 1, 2015, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2015-2016. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):
..... \$ 416,702

2. For payment for nonpublic school transportation under section 285.2:

1 \$ 8,560,931

2 If total approved claims for reimbursement for nonpublic
3 school pupil transportation exceed the amount appropriated in
4 accordance with this subsection, the department of education
5 shall prorate the amount of each approved claim.

6 3. For the enforcement of chapter 453D relating to tobacco
7 product manufacturers under section 453D.8:

8 \$ 18,416

9 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY
10 2016-2017. Notwithstanding the standing appropriations
11 in the following designated sections for the fiscal year
12 beginning July 1, 2016, and ending June 30, 2017, the amounts
13 appropriated from the general fund of the state pursuant to
14 these sections for the following designated purposes shall not
15 exceed the following amounts:

16 1. For operational support grants and community cultural
17 grants under section 99F.11, subsection 3, paragraph "d",
18 subparagraph (1):

19 \$ 208,351

20 2. For payment for nonpublic school transportation under
21 section 285.2:

22 \$ 8,560,931

23 If total approved claims for reimbursement for nonpublic
24 school pupil transportation exceed the amount appropriated in
25 accordance with this subsection, the department of education
26 shall prorate the amount of each approved claim.

27 3. For the enforcement of chapter 453D relating to tobacco
28 product manufacturers under section 453D.8:

29 \$ 9,208

30 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2015-2016
31 — FY 2016-2017. In lieu of the appropriation provided in
32 section 257.20, subsection 2, the appropriation for the fiscal
33 years beginning July 1, 2015, and July 1, 2016, for paying
34 instructional support state aid under section 257.20 for such
35 fiscal years is zero.

1 Sec. 5. GENERAL ASSEMBLY.

2 1. The appropriations made pursuant to section 2.12 for the
3 expenses of the general assembly and legislative agencies for
4 the fiscal year beginning July 1, 2015, and ending June 30,
5 2016, are reduced by the following amount:

6 \$ 4,223,452

7 2. The budgeted amounts for the general assembly and
8 legislative agencies for the fiscal year beginning July 1,
9 2015, may be adjusted to reflect the unexpended budgeted
10 amounts from the previous fiscal year.

11 DIVISION II

12 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

13 Sec. 6. DEPARTMENT OF CORRECTIONS — APPROPRIATION. There
14 is appropriated from the general fund of the state to the
15 department of corrections for the fiscal year beginning July
16 1, 2014, and ending June 30, 2015, the following amount, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 For operations, including salaries, support, maintenance,
20 and miscellaneous purposes, including training and additional
21 costs associated with the new correctional facility located in
22 Fort Madison:

23 \$ 1,000,000

24 Notwithstanding section 8.33, moneys appropriated in this
25 section that remain unencumbered or unobligated at the close of
26 the fiscal year shall not revert but shall remain available for
27 expenditure for the purposes designated until the close of the
28 succeeding fiscal year.

29 Sec. 7. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
30 from the general fund of the state to the department of public
31 health for the fiscal year beginning July 1, 2014, and ending
32 June 30, 2015, the following amount to be used for the purposes
33 designated:

34 For the public purpose of providing a grant on behalf of
35 substance-related disorder treatment providers in accordance

1 with this section:

2 \$ 2,800,000

3 The appropriation made in this section shall be distributed
4 as a grant to an association representing the majority of
5 the nonprofit substance-related disorder treatment providers
6 licensed under section 125.13 by the department as of January
7 1, 2015, that receive federal prevention and treatment of
8 substance abuse block grant funding through the department.
9 The grant shall be used for bulk purchasing and to implement an
10 electronic health record system in the providers that receive
11 that federal grant. The electronic health record system
12 implemented with the grant shall comply with the electronic
13 health information provisions implemented pursuant to section
14 135.156 and with the mental health and disabilities services
15 system central data repository implemented pursuant to section
16 225C.6A and other data requirements under chapter 225C. Each
17 of the providers shall have the electronic health record system
18 fully operational on or before July 1, 2018.

19 Notwithstanding section 8.33, moneys appropriated in this
20 section that remain unencumbered or unobligated at the close
21 of the fiscal year for which appropriated shall not revert
22 but shall remain available for expenditure for the purposes
23 designated until the close of the succeeding fiscal year.

24 Sec. 8. HEART ATTACK TREATMENT — APPROPRIATION. There
25 is appropriated from the general fund of the state to the
26 department of public health for the fiscal year beginning July
27 1, 2014, and ending June 30, 2015, the following amount, or
28 so much thereof as is necessary, to be used for the purposes
29 designated:

30 For a collaborative effort between the department of public
31 health, the Iowa emergency medical services association, the
32 American heart association, midwest affiliate, Iowa's health
33 systems and hospitals, and emergency medical service providers,
34 to supplement funding received through a grant from the Leona
35 M. and Harry B. Helmsley charitable trust for a program to

1 enhance systems of care, save lives, and improve outcomes
2 for heart attack patients in rural Iowa called the mission:
3 lifeline program:

4 \$ 1,500,000

5 Moneys appropriated under this section shall be used
6 to enhance the critical elements of an optimal ST-elevated
7 myocardial infarction (STEMI) system of care including the
8 provision of 12-lead electrocardiogram (EKG) machines, the
9 provision of a systemwide data tool for quality measurement
10 and improvement, ongoing medical provider training and STEMI
11 education, coordination of protocols for rural emergency
12 management systems and hospital personnel, the implementation
13 of regional plans for rapid transport and transfer of patients,
14 the implementation of a public education campaign on heart
15 attack signs and symptoms and the need to activate the 911
16 system, and the provision of assistance to hospitals and
17 emergency medical services providers in acquiring essential
18 electrocardiogram equipment and training.

19 Notwithstanding section 8.33, moneys appropriated in this
20 section that remain unencumbered or unobligated at the close
21 of the fiscal year for which appropriated shall not revert
22 but shall remain available for expenditure for the purposes
23 designated until the close of the fiscal year that begins July
24 1, 2017.

25 Sec. 9. DEBT COLLECTIONS. The judicial branch shall
26 evaluate and study current practice for the collection of court
27 debt. By January 1, 2016, the judicial branch shall file a
28 report with the general assembly regarding the findings of the
29 study. The report shall include any recommended changes that
30 would increase the efficiency of collection of court debt.

31 Sec. 10. IOWA NEW JOBS TRAINING AGREEMENTS. An Iowa
32 community college that entered into a new jobs training
33 agreement pursuant to chapter 260E, which was effective
34 in April 2012, with an Iowa employer may enter into a new
35 agreement with such employer pursuant to chapter 260E,

1 which will be effective September 2015, and may use the base
2 employment determined in April 2012 as the base employment
3 for determining the new jobs eligible under the new agreement
4 if the base employment determined in April 2012 was 2,125
5 employees. The new agreement under chapter 260E shall
6 be limited to seven years from the effective date of the
7 agreement.

8 Sec. 11. Section 8D.4, Code 2015, is amended to read as
9 follows:

10 **8D.4 Executive director appointed.**

11 The commission, in consultation with the director of
12 the department of administrative services and the chief
13 information officer, shall appoint an executive director of
14 the commission, subject to confirmation by the senate. Such
15 individual shall not serve as a member of the commission.
16 The executive director shall serve at the pleasure of the
17 commission. The executive director shall be selected primarily
18 for administrative ability and knowledge in the field, without
19 regard to political affiliation. The governor shall establish
20 the salary of the executive director within the applicable
21 salary range ~~nine~~ as established by the general assembly. The
22 salary and support of the executive director shall be paid from
23 funds deposited in the Iowa communications network fund.

24 Sec. 12. Section 43.45, subsection 3, as enacted by 2015
25 Iowa Acts, Senate File 415, section 1, is amended to read as
26 follows:

27 3. Notwithstanding any requirement to the contrary in
28 subsection 1 and subsection 2, paragraph "c", the commissioner
29 of a county using digital ballot counting technology may direct
30 the precinct election officials to tally and record write-in
31 votes at the precincts after the closing of the polls or may
32 direct the precinct election officials to ~~sort the ballots by~~
33 print the write-in report containing digital images of write-in
34 votes for delivery to the special precinct board to tally and
35 record the write-in votes on any day following election day and

1 prior to the canvass by the board of supervisors under section
2 43.49. For the purposes of this subsection "*digital ballot*
3 *counting technology*" is technology in which digital images of
4 write-in votes are printed by the precinct election officials
5 at the polling place after the close of voting.

6 Sec. 13. NEW SECTION. 91A.5B Treatment of adoptive parent
7 employees.

8 1. For purposes of this section, "*adoption*" means the
9 permanent placement in this state of a child by the department
10 of human services, by a licensed agency under chapter 238, by
11 an agency that meets the provisions of the interstate compact
12 in section 232.158, or by a person making an independent
13 placement according to the provisions of chapter 600.

14 2. An employer shall treat an employee who chooses to
15 adopt in the same manner as an employee who is the biological
16 parent of a newborn child for purposes of employment policies,
17 benefits, and protections for the first year of the adoption.

18 Sec. 14. Section 123.132, subsection 3, as enacted by 2015
19 Iowa Acts, Senate File 456, section 1, is amended to read as
20 follows:

21 3. A container of beer other than the original container
22 that is sold and sealed in compliance with the requirements of
23 subsection 2 and the division's rules shall not be deemed an
24 open container subject to the requirements of sections 321.284
25 and 321.284A if the sealed container is unopened and the seal
26 has not been tampered with, and the contents of the container
27 have not been partially removed.

28 Sec. 15. Section 136C.3, subsection 10, Code 2015, is
29 amended to read as follows:

30 10. a. Adopt rules specifying the minimum training and
31 performance standards for an individual using a radiation
32 machine for mammography, and other rules necessary to
33 implement section 136C.15. The rules shall complement federal
34 requirements applicable to similar radiation machinery and
35 shall not be less stringent than those federal requirements.

1 b. (1) Adopt rules to require that, by January 1, 2016,
2 a facility at which mammography services are performed shall
3 include information on breast density in mammogram reports sent
4 to patients pursuant to regulations implementing the federal
5 Mammography Quality Standards Act of 1992, Pub. L. No. 102-539,
6 as amended. If a patient is categorized by an interpreting
7 physician at the facility as having heterogeneously dense
8 breasts or extremely dense breasts based on standards as
9 defined in nationally recognized guidelines or systems for
10 breast imaging reporting of mammography screening, including
11 the breast imaging reporting and data system of the American
12 college of radiology, the report to the patient shall include
13 notice that the patient has dense breast tissue, that this may
14 make it more difficult to detect cancer on a mammogram, and
15 that it may increase the patient's risk of breast cancer. The
16 notice may contain the following language:

17 State law requires the following notification:

18 Your mammogram indicates that you have dense breast tissue.
19 Dense breast tissue may make it more difficult to evaluate the
20 results of your mammogram and may also be associated with an
21 increased risk of breast cancer. You are encouraged to consult
22 with your primary health care provider regarding the results of
23 your mammogram. Together you can best decide which additional
24 screening options may be right for you based on your mammogram
25 results, individual risk factors, or physical examination.

26 (2) Nothing in this paragraph "b" shall be construed to
27 modify the existing liability of a facility where mammography
28 services are performed beyond the duty to provide the
29 information set forth in this paragraph "b".

30 (3) Nothing in this paragraph "b" shall be deemed to require
31 a notice or the provision of information that is inconsistent
32 with the provisions of the federal Mammography Quality
33 Standards Act of 1992, Pub. L. No. 102-539, as amended, or any
34 regulations promulgated pursuant to that Act.

35 Sec. 16. Section 418.15, subsection 1, Code 2015, is amended

1 to read as follows:

2 1. A governmental entity shall not receive remittances of
3 sales tax revenue under this chapter after twenty years from
4 the date the governmental entity's project was approved by the
5 board unless the remittance amount is calculated under section
6 418.11 based on sales subject to the tax under section 432.2
7 occurring before the expiration of the twenty-year period.

8 Sec. 17. Section 602.1304, subsection 2, paragraph a, Code
9 2015, is amended to read as follows:

10 a. The enhanced court collections fund is created in the
11 state treasury under the authority of the supreme court. The
12 fund shall be separate from the general fund of the state and
13 the balance in the fund shall not be considered part of the
14 balance of the general fund of the state. Notwithstanding
15 section 8.33, moneys in the fund shall not revert to the
16 general fund, unless and to the extent the total amount
17 of moneys deposited into the fund in a fiscal year would
18 exceed the maximum annual deposit amount established for
19 the collections fund by the general assembly. ~~The initial~~
20 ~~maximum annual deposit amount for a fiscal year is four million~~
21 ~~dollars.~~ Notwithstanding section 12C.7, subsection 2, interest
22 or earnings on moneys in the collections fund shall remain in
23 the collections fund and any interest and earnings shall be in
24 addition to the maximum annual deposit amount. The maximum
25 annual deposit amount shall be the following amounts for the
26 following fiscal years:

27 (1) For the fiscal year beginning July 1, 2015, seven
28 million dollars.

29 (2) For the fiscal year beginning July 1, 2016, seven
30 million dollars.

31 (3) For the fiscal year beginning July 1, 2017, seven
32 million dollars.

33 (4) For the fiscal year beginning July 1, 2018, five million
34 dollars.

35 (5) For the fiscal year beginning July 1, 2019, and each

1 fiscal year thereafter, four million five hundred thousand
2 dollars.

3 Sec. 18. Section 633.535, Code 2015, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 4. a. A named beneficiary of a bond,
6 life insurance policy, or any other contractual arrangement
7 convicted of a felony referenced in paragraph "d" that was
8 perpetrated against the principal obligee or person upon
9 whose life the policy is issued or whose death generates the
10 benefits under any other contractual arrangement, in the six
11 months immediately prior to the obligee's or person's death, is
12 not entitled to any benefit under the bond, policy, or other
13 contractual arrangement.

14 b. The procedure set out in section 633.536 applies and
15 the benefits become payable as though the convicted obligee or
16 person had predeceased the decedent.

17 c. However, a principal obligee or person upon whose life
18 the policy is issued or whose death generates the benefits
19 under any other contractual arrangement, in the six months
20 immediately prior to the obligee's or person's death, may
21 affirm by a signed, notarized affidavit that the beneficiary
22 should receive any benefit under the bond, policy, or other
23 contractual arrangement despite a felony conviction referenced
24 in this subsection.

25 d. This subsection applies to a conviction for any of the
26 following felonies:

27 (1) Any felony contained in chapter 707.

28 (2) Any felony contained in chapter 708.

29 (3) Any felony contained in chapter 709.

30 (4) Any felony contained in chapter 710.

31 Sec. 19. Section 708.2A, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. For the purposes of this chapter, "*domestic abuse*
34 *assault*" means an assault, as defined in section 708.1, which
35 is domestic abuse as defined in section 236.2, subsection 2,

1 paragraph "a", "b", "c", ~~or~~ "d", or "e".

2 Sec. 20. NEW SECTION. 708.11A Unauthorized placement of
3 global positioning device.

4 1. A person commits unauthorized placement of a global
5 positioning device, when, with intent to intimidate, annoy, or
6 alarm another person, the person, without the consent of the
7 other person, places a global positioning device on the other
8 person or an object in order to track the movements of the
9 other person without a legitimate purpose.

10 2. A person who commits a violation of this section commits
11 a serious misdemeanor.

12 Sec. 21. EFFECTIVE UPON ENACTMENT. The following provision
13 or provisions of this division of this Act, being deemed of
14 immediate importance, take effect upon enactment:

15 1. The section of this division of this Act appropriating
16 moneys to the department of corrections for the fiscal
17 year beginning July 1, 2014, and ending June 30, 2015, for
18 operations including training and additional costs associated
19 with the new correctional facility located in Fort Madison.

20 2. The section of this division of this Act appropriating
21 moneys to the department of public health for the fiscal year
22 beginning July 1, 2014, and ending June 30, 2015, for purposes
23 of providing a grant on behalf of substance-related disorder
24 treatment providers.

25 3. The section of this division of this Act appropriating
26 moneys to the department of public health for the fiscal year
27 beginning July 1, 2014, and ending June 30, 2015, for purposes
28 of providing a collaborative effort between certain entities
29 for heart attack patients.

30 DIVISION III

31 SALARIES, COMPENSATION, AND RELATED MATTERS

32 Sec. 22. SPECIAL FUNDS. For the fiscal year beginning
33 July 1, 2015, and ending June 30, 2016, and for the fiscal
34 year beginning July 1, 2016, and ending June 30, 2017, salary
35 adjustments may be funded using departmental revolving, trust,

1 or special funds for which the general assembly has established
2 an operating budget, provided doing so does not exceed the
3 operating budget established by the general assembly.

4 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
5 administrator shall work in conjunction with the legislative
6 services agency to maintain the state's salary model used for
7 analyzing, comparing, and projecting state employee salary
8 and benefit information, including information relating to
9 employees of the state board of regents. The department of
10 revenue, the department of administrative services, the five
11 institutions under the jurisdiction of the state board of
12 regents, the judicial district departments of correctional
13 services, and the state department of transportation shall
14 provide salary data to the department of management and the
15 legislative services agency to operate the state's salary
16 model. The format and frequency of provision of the salary
17 data shall be determined by the department of management and
18 the legislative services agency. The information shall be
19 used in collective bargaining processes under chapter 20 and
20 in calculating the funding needs contained within the annual
21 salary adjustment legislation. A state employee organization
22 as defined in section 20.3, subsection 4, may request
23 information produced by the model, but the information provided
24 shall not contain information attributable to individual
25 employees.

26 DIVISION IV

27 CORRECTIVE PROVISIONS

28 Sec. 24. Section 123.122, Code 2015, as amended by 2015
29 Iowa Acts, House File 536, section 48, is amended to read as
30 follows:

31 **123.122 Permit or license required.**

32 A person shall not manufacture for sale or sell beer at
33 wholesale or retail unless a permit is first obtained as
34 provided in this subchapter or, a liquor control license
35 authorizing the retail sale of beer is first obtained as

1 provided in ~~division~~ subchapter I of this chapter. A liquor
2 control license holder is not required to hold a separate class
3 "B" beer permit.

4 Sec. 25. Section 227.10, Code 2015, as amended by 2015
5 Iowa Acts, Senate File 463, section 53, is amended to read as
6 follows:

7 **227.10 Transfers from county or private institutions.**

8 Patients who have been admitted at public expense to
9 any institution to which this chapter is applicable may be
10 involuntarily transferred to the proper state hospital for
11 persons with mental illness in the manner prescribed by
12 sections 229.6 to 229.13. The application required by section
13 229.6 may be filed by the administrator of the division or
14 the administrator's designee, or by the administrator of the
15 institution where the patient is then being maintained or
16 treated. If the patient was admitted to that institution
17 involuntarily, the administrator of the division may arrange
18 and complete the transfer, and shall report it as required of a
19 chief medical officer under section 229.15, subsection 5. The
20 transfer shall be made at the mental health and ~~disabilities~~
21 disability services region's expense, and the expense
22 recovered, as provided in section 227.7. However, transfer
23 under this section of a patient whose expenses are payable
24 in whole or in part by a the mental health and ~~disabilities~~
25 disability services region is subject to an authorization
26 for the transfer through the regional administrator for the
27 patient's county of residence.

28 Sec. 26. Section 227.14, Code 2015, as amended by 2015
29 Iowa Acts, Senate File 463, section 56, is amended to read as
30 follows:

31 **227.14 Caring for persons with mental illness from other**
32 **counties.**

33 The regional administrator for a county that does not have
34 proper facilities for caring for persons with mental illness
35 may, with the consent of the administrator of the division,

1 provide for such care at the expense of the mental health and
2 ~~disabilities~~ disability services region in any convenient and
3 proper county or private institution for persons with mental
4 illness which is willing to receive the persons.

5 Sec. 27. Section 229.1B, Code 2015, as amended by 2015
6 Iowa Acts, Senate File 463, section 59, is amended to read as
7 follows:

8 **229.1B Regional administrator.**

9 Notwithstanding any provision of this chapter to the
10 contrary, any person whose hospitalization expenses
11 are payable in whole or in part by a mental health and
12 ~~disabilities~~ disability services region shall be subject to all
13 administrative requirements of the regional administrator for
14 the county.

15 Sec. 28. Section 229.2, subsection 1, paragraph b,
16 subparagraph (3), Code 2015, as amended by 2015 Iowa Acts,
17 Senate File 463, section 60, is amended to read as follows:

18 (3) As soon as is practicable after the filing of a
19 petition for juvenile court approval of the admission of the
20 minor, the juvenile court shall determine whether the minor
21 has an attorney to represent the minor in the hospitalization
22 proceeding, and if not, the court shall assign to the minor
23 an attorney. If the minor is financially unable to pay for
24 an attorney, the attorney shall be compensated by the mental
25 health and ~~disabilities~~ disability services region at an hourly
26 rate to be established by the regional administrator for the
27 county in which the proceeding is held in substantially the
28 same manner as provided in section 815.7.

29 Sec. 29. Section 229.8, subsection 1, Code 2015, as amended
30 by 2015 Iowa Acts, Senate File 463, section 61, is amended to
31 read as follows:

32 1. Determine whether the respondent has an attorney
33 who is able and willing to represent the respondent in the
34 hospitalization proceeding, and if not, whether the respondent
35 is financially able to employ an attorney and capable of

1 meaningfully assisting in selecting one. In accordance with
2 those determinations, the court shall if necessary allow the
3 respondent to select, or shall assign to the respondent, an
4 attorney. If the respondent is financially unable to pay an
5 attorney, the attorney shall be compensated by the mental
6 health and ~~disabilities~~ disability services region at an hourly
7 rate to be established by the regional administrator for the
8 county in which the proceeding is held in substantially the
9 same manner as provided in section 815.7.

10 Sec. 30. Section 229.10, subsection 1, paragraph a, Code
11 2015, as amended by 2015 Iowa Acts, Senate File 463, section
12 62, is amended to read as follows:

13 a. An examination of the respondent shall be conducted by
14 one or more licensed physicians, as required by the court's
15 order, within a reasonable time. If the respondent is detained
16 pursuant to section 229.11, subsection 1, paragraph "b",
17 the examination shall be conducted within twenty-four hours.
18 If the respondent is detained pursuant to section 229.11,
19 subsection 1, paragraph "a" or "c", the examination shall
20 be conducted within forty-eight hours. If the respondent
21 so desires, the respondent shall be entitled to a separate
22 examination by a licensed physician of the respondent's own
23 choice. The reasonable cost of the examinations shall, if the
24 respondent lacks sufficient funds to pay the cost, be paid by
25 the regional administrator from mental health and ~~disabilities~~
26 disability services region funds upon order of the court.

27 Sec. 31. Section 229.11, subsection 1, unnumbered paragraph
28 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,
29 section 63, is amended to read as follows:

30 If the applicant requests that the respondent be taken into
31 immediate custody and the judge, upon reviewing the application
32 and accompanying documentation, finds probable cause to believe
33 that the respondent has a serious mental impairment and is
34 likely to injure the respondent or other persons if allowed
35 to remain at liberty, the judge may enter a written order

1 directing that the respondent be taken into immediate custody
2 by the sheriff or the sheriff's deputy and be detained until
3 the hospitalization hearing. The hospitalization hearing shall
4 be held no more than five days after the date of the order,
5 except that if the fifth day after the date of the order is
6 a Saturday, Sunday, or a holiday, the hearing may be held
7 on the next succeeding business day. If the expenses of a
8 respondent are payable in whole or in part by a mental health
9 and ~~disabilities~~ disability services region, for a placement in
10 accordance with paragraph "a", the judge shall give notice of
11 the placement to the regional administrator for the county in
12 which the court is located, and for a placement in accordance
13 with paragraph "b" or "c", the judge shall order the placement
14 in a hospital or facility designated through the regional
15 administrator. The judge may order the respondent detained for
16 the period of time until the hearing is held, and no longer,
17 in accordance with paragraph "a", if possible, and if not then
18 in accordance with paragraph "b", or, only if neither of these
19 alternatives is available, in accordance with paragraph "c".

20 Detention may be:

21 Sec. 32. Section 229.13, subsection 1, paragraph a, Code
22 2015, as amended by 2015 Iowa Acts, Senate File 463, section
23 64, is amended to read as follows:

24 a. The court shall order a respondent whose expenses
25 are payable in whole or in part by a mental health and
26 ~~disabilities~~ disability services region placed under the care
27 of an appropriate hospital or facility designated through the
28 county's regional administrator on an inpatient or outpatient
29 basis.

30 Sec. 33. Section 229.14, subsection 2, paragraph a, Code
31 2015, as amended by 2015 Iowa Acts, Senate File 463, section
32 65, is amended to read as follows:

33 a. For a respondent whose expenses are payable in whole
34 or in part by a mental health and ~~disabilities~~ disability
35 services region, placement as designated through the county's

1 regional administrator in the care of an appropriate hospital
2 or facility on an inpatient or outpatient basis, or other
3 appropriate treatment, or in an appropriate alternative
4 placement.

5 Sec. 34. Section 229.14A, subsection 7, Code 2015, as
6 amended by 2015 Iowa Acts, Senate File 463, section 66, is
7 amended to read as follows:

8 7. If a respondent's expenses are payable in whole or in
9 part by a mental health and ~~disabilities~~ disability services
10 region through the county's regional administrator, notice of
11 a placement hearing shall be provided to the county attorney
12 and the regional administrator. At the hearing, the county may
13 present evidence regarding appropriate placement.

14 Sec. 35. Section 229.42, subsection 1, Code 2015, as amended
15 by 2015 Iowa Acts, Senate File 463, section 68, is amended to
16 read as follows:

17 1. If a person wishing to make application for voluntary
18 admission to a mental hospital established by chapter 226 is
19 unable to pay the costs of hospitalization or those responsible
20 for the person are unable to pay the costs, application for
21 authorization of voluntary admission must be made through a
22 regional administrator before application for admission is
23 made to the hospital. The person's county of residence shall
24 be determined through the regional administrator and if the
25 admission is approved through the regional administrator,
26 the person's admission to a mental health hospital shall be
27 authorized as a voluntary case. The authorization shall be
28 issued on forms provided by the department of human services'
29 administrator. The costs of the hospitalization shall be paid
30 by the county of residence through the regional administrator
31 to the department of human services and credited to the general
32 fund of the state, provided that the mental health hospital
33 rendering the services has certified to the county auditor
34 of the county of residence and the regional administrator
35 the amount chargeable to the mental health and ~~disabilities~~

1 disability services region and has sent a duplicate statement
2 of the charges to the department of human services. A mental
3 health and ~~disabilities~~ disability services region shall not be
4 billed for the cost of a patient unless the patient's admission
5 is authorized through the regional administrator. The mental
6 health institute and the regional administrator shall work
7 together to locate appropriate alternative placements and
8 services, and to educate patients and family members of
9 patients regarding such alternatives.

10 Sec. 36. Section 230.1, subsection 3, Code 2015, as amended
11 by 2015 Iowa Acts, Senate File 463, section 69, is amended to
12 read as follows:

13 3. A mental health and ~~disabilities~~ disability services
14 region or county of residence is not liable for costs and
15 expenses associated with a person with mental illness unless
16 the costs and expenses are for services and other support
17 authorized for the person through the county's regional
18 administrator. For the purposes of this chapter, "*regional*
19 *administrator*" means the same as defined in section 331.388.

20 Sec. 37. Section 230.20, subsection 2, paragraph b, Code
21 2015, as amended by 2015 Iowa Acts, Senate File 463, section
22 71, is amended to read as follows:

23 b. The per diem costs billed to each mental health and
24 ~~disabilities~~ disability services region shall not exceed
25 the per diem costs billed to the county in the fiscal year
26 beginning July 1, 1996. However, the per diem costs billed to
27 a mental health and ~~disabilities~~ disability services region
28 may be adjusted annually to reflect increased costs, to the
29 extent of the percentage increase in the statewide per capita
30 expenditure target amount, if any per capita growth amount
31 is authorized by the general assembly for the fiscal year in
32 accordance with section 426B.3.

33 Sec. 38. Section 279.10, subsection 1, Code 2015, as amended
34 by 2015 Iowa Acts, Senate File 227, section 2, is amended to
35 read as follows:

1 1. The school year for each school district and accredited
 2 nonpublic school shall begin on July 1 and the school calendar
 3 shall begin no sooner than August 23 and no later than the
 4 first Monday in December. The school calendar shall include
 5 not less than one hundred eighty days, ~~except as provided in~~
 6 ~~subsection 3,~~ or one thousand eighty hours of instruction
 7 during the calendar year. The board of directors of a school
 8 district and the authorities in charge of an accredited
 9 nonpublic school shall determine the school start date for
 10 the school calendar in accordance with this subsection and
 11 shall set the number of days or hours of required attendance
 12 for the school year as provided in section 299.1, subsection
 13 2, but the board of directors of a school district shall
 14 hold a public hearing on any proposed school calendar prior
 15 to adopting the school calendar. If the board of directors
 16 of a district or the authorities in charge of an accredited
 17 nonpublic school extends the school calendar because inclement
 18 weather caused the school district or accredited nonpublic
 19 school to temporarily close during the regular school calendar,
 20 the school district or accredited nonpublic school may excuse a
 21 graduating senior who has met district or school requirements
 22 for graduation from attendance during the extended school
 23 calendar. A school corporation may begin employment of
 24 personnel for in-service training and development purposes
 25 before the date to begin elementary and secondary school.

26 Sec. 39. Section 426B.5, subsection 2, paragraph c, Code
 27 2015, as amended by 2015 Iowa Acts, Senate File 463, section
 28 78, is amended to read as follows:

29 c. A risk pool board is created. The board shall consist of
 30 two county supervisors, two county auditors, a member of the
 31 mental health and disability services commission who is not a
 32 member of a county board of supervisors, a member of the county
 33 finance committee created in chapter 333A who is not an elected
 34 official, a representative of a provider of mental health or
 35 developmental disabilities services selected from nominees

1 submitted by the Iowa association of community providers, and
2 two staff members of regional administrators of county mental
3 health and disability services regions, all appointed by the
4 governor, and one member appointed by the director of human
5 services. All members appointed by the governor shall be
6 subject to confirmation by the senate. Members shall serve for
7 three-year terms. A vacancy shall be filled in the same manner
8 as the original appointment. Expenses and other costs of the
9 risk pool board members representing counties shall be paid by
10 the county of origin. Expenses and other costs of risk pool
11 board members who do not represent counties shall be paid from
12 a source determined by the governor. Staff assistance to the
13 board shall be provided by the department of human services and
14 counties. Actuarial expenses and other direct administrative
15 costs shall be charged to the pool.

16 Sec. 40. Section 459A.302, subsection 1, paragraph a,
17 unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa
18 Acts, House File 583, section 33, if enacted, is amended to
19 read as follows:

20 Prior to constructing a settled open feedlot effluent basin
21 or an animal truck wash effluent structure, the site for the
22 basin or structure shall be investigated for a drainage tile
23 line by the owner of the open feedlot operation or animal truck
24 wash facility. The investigation shall be made by digging a
25 core trench to a depth of at least six feet deep from ground
26 level at the projected center of the berm of the basin or
27 structure. If a drainage tile line is discovered, one of the
28 following solutions shall be implemented:

29 Sec. 41. Section 459A.302, subsection 2, paragraph a, Code
30 2015, as amended by 2015 Iowa Acts, House File 583, section 34,
31 if enacted, is amended to read as follows:

32 a. The settled open feedlot effluent basin or ~~an~~ animal
33 truck wash effluent structure shall be constructed with a
34 minimum separation of two feet between the top of the liner of
35 the basin or structure and the seasonal high-water table.

1 Sec. 42. Section 459A.404, subsection 3, paragraphs b and c,
2 if enacted by 2015 Iowa Acts, House File 583, section 41, are
3 amended to read as follows:

4 b. For purposes of section 459.310, subsection 4, the
5 provisions relating to an unformed manure storage structure
6 shall apply to an unformed animal truck wash effluent structure
7 and the provisions relating to a formed manure storage
8 structure shall apply to a formed animal truck wash effluent
9 structure. However, the

10 ~~c. Notwithstanding section 459.310, subsection 4, a~~
11 ~~requirement in section 459.310, subsection 4, paragraph "a",~~
12 ~~relating to animal weight capacity or animal unit capacity~~
13 ~~shall not apply to the replacement of an unformed animal~~
14 ~~truck wash effluent structure with a formed animal truck wash~~
15 ~~effluent structure.~~ In addition, the capacity of a replacement
16 animal truck wash effluent structure shall not exceed the
17 amount required to store animal truck wash effluent for any
18 eighteen-month period.

19 Sec. 43. Section 459A.411, Code 2015, as amended by 2015
20 Iowa Acts, House File 583, section 43, if enacted, is amended
21 to read as follows:

22 **459A.411 Discontinuance of operations.**

23 The owner of an open feedlot operation or animal truck
24 wash facility who discontinues its operation shall remove all
25 effluent from related open feedlot operation structures or
26 animal truck wash effluent structures used to store effluent,
27 as soon as practical but not later than six months following
28 the date the operations of the open feedlot operation or animal
29 truck wash facility ~~is~~ are discontinued.

30 Sec. 44. Section 476.53, subsection 3, paragraph a,
31 subparagraph (1), Code 2015, as amended by 2015 Iowa Acts,
32 House File 535, section 61, is amended to read as follows:

33 (1) (a) Files an application pursuant to section 476A.3 to
34 construct in Iowa a baseload electric power generating facility
35 with a nameplate generating capacity equal to or greater

1 than three hundred megawatts or a combined-cycle electric
2 power generating facility, or an alternate energy production
3 facility as defined in section 476.42, or to significantly
4 alter an existing generating facility. For purposes of
5 this subparagraph, a significant alteration of an existing
6 generating facility must, in order to qualify for establishment
7 of ratemaking principles, fall into one of the following
8 categories:

9 (i) Conversion of a coal fueled facility into a gas fueled
10 facility.

11 (ii) Addition of carbon capture and storage facilities at
12 a coal fueled facility.

13 (iii) Addition of gas fueled capability to a coal fueled
14 facility, in order to convert the facility to one that will
15 rely primarily on gas for future generation.

16 (iv) Addition of a biomass fueled capability to a coal
17 fueled facility.

18 (b) With respect to a significant alteration of an existing
19 generating facility, an original facility shall not be required
20 to be either a baseload or a combined-cycle facility. Only
21 the incremental investment undertaken by a utility under
22 subparagraph division (a), subparagraph subdivision (i), (ii),
23 (iii), or (iv) shall be eligible to apply the ratemaking
24 principles established by the order issued pursuant to
25 paragraph "e". Facilities for which advanced ratemaking
26 principles are obtained pursuant to this section shall not
27 be subject to a subsequent board review pursuant to section
28 476.6, subsection 20, to the extent that the investment has
29 been considered by the board under this section. To the
30 extent an eligible utility has been authorized to make capital
31 investments subject to section 476.6, subsection 20, such
32 investments shall not be eligible for ratemaking principles
33 pursuant to this section.

34 Sec. 45. Section 602.3205, subsection 3, paragraph b, if
35 enacted by 2015 Iowa Acts, Senate File 404, section 5, is

1 amended to read as follows:

2 **b.** The audio recordings provided ~~in~~ to the board pursuant to
3 this subsection shall be kept confidential by the board in a
4 manner as provided in section 272C.6, subsection 4.

5 Sec. 46. Section 602.11113, Code 2015, as amended by 2015
6 Iowa Acts, House File 536, section 177, is amended to read as
7 follows:

8 **602.11113 Bailiffs employed as court attendants.**

9 Persons who were employed as bailiffs and who were
10 performing services for the court, other than law enforcement
11 services, immediately prior to July 1, 1983, shall be employed
12 by the district court administrators as court attendants under
13 section 602.6601 on July 1, 1983.

14 Sec. 47. Section 714.23, subsection 4A, paragraph a, if
15 enacted by 2015 Iowa Acts, Senate File 501, section 2, or 2015
16 Iowa Acts, House File 663, section 2, is amended to read as
17 follows:

18 **a.** A student who does not receive a tuition refund up
19 to the full refund of tuition charges due to the effect of
20 an interstate reciprocity agreement under section 261G.4,
21 subsection 1, may apply to the attorney general for a refund
22 in a sum that represents the difference between any tuition
23 refund received from the school and the full refund of tuition
24 charges. For purposes of this subsection, "full refund of
25 tuition charges" means the monetary sum of the refund for which
26 the student would be eligible pursuant to the application of
27 this section.

28 Sec. 48. Section 902.1, subsection 2, paragraph a,
29 unnumbered paragraph 1, as enacted by 2015 Iowa Acts, Senate
30 File 448, section 1, is amended to read as follows:

31 Notwithstanding subsection 1, a defendant convicted of
32 murder in the first degree in violation of section 707.2, and
33 who was under the age of eighteen at the time the offense was
34 committed shall receive one of the following sentences:

35 Sec. 49. Section 916.1, subsection 1, as enacted by 2015

1 Iowa Acts, House File 496, section 1, is amended to read as
2 follows:

3 1. "*Confidential communication*" means confidential
4 information shared between a victim and a military victim
5 advocate within the advocacy relationship, and includes all
6 information received by the advocate and any advice, report,
7 or working paper given to or prepared by the advocate in
8 the course of the advocacy relationship with the victim.
9 "*Confidential information*" is ~~confidential~~ information which, so
10 far as the victim is aware, is not disclosed to a third party
11 with the exception of a person present in the consultation for
12 the purpose of furthering the interest of the victim, a person
13 to whom disclosure is reasonably necessary for the transmission
14 of the information, or a person with whom disclosure is
15 necessary for accomplishment of the purpose for which the
16 advocate is consulted by the victim.

17 Sec. 50. APPLICABILITY. The section of this division
18 of this Act amending section 279.10, subsection 1, applies
19 retroactively to April 10, 2015.

20 Sec. 51. APPLICABILITY. The section of this division of
21 this Act amending section 902.1, subsection 2, paragraph "a",
22 unnumbered paragraph 1, applies retroactively to the effective
23 date of 2015 Iowa Acts, Senate File 448.

24 DIVISION V

25 REIMBURSEMENT OF DEFENSE COSTS

26 Sec. 52. NEW SECTION. **80F.2 Reimbursement of defense costs.**

27 1. If a peace officer, as defined in section 801.4, or a
28 corrections officer is charged with the alleged commission
29 of a public offense, based on acts or omissions within the
30 scope of the officer's lawful duty or authority, and the charge
31 is dismissed or the officer is acquitted of the charge, the
32 presiding magistrate or judge shall enter judgment awarding
33 reimbursement to the officer for any costs incurred in
34 defending against the charge, including but not limited to a
35 reasonable attorney fee, if the court finds the existence of

1 any of the following grounds:

2 a. The charge was without probable cause.

3 b. The charge was filed for malicious purposes.

4 c. The charge was unwarranted in consideration of all of the
5 circumstances and matters of law attending the alleged offense.

6 2. The officer may apply for review of a failure or refusal
7 to rule or an adverse ruling as to the existence of any of the
8 above grounds. The application shall be to a district judge
9 if the officer is seeking review of the act of a magistrate
10 or district associate judge and the application shall be to a
11 different district judge if review is sought of an act of a
12 district judge.

13 Sec. 53. REPEAL. Section 80.37, Code 2015, is repealed.

14 DIVISION VI

15 RENEWABLE FUELS INFRASTRUCTURE PROGRAM

16 Sec. 54. Section 159A.14, subsection 1, paragraph a,
17 subparagraph (1), Code 2015, is amended to read as follows:

18 (1) Ethanol infrastructure shall be designed and used
19 exclusively to do any of the following:

20 (a) Store and dispense E-15 gasoline. At least for the
21 period beginning on September 16 and ending on May 31 of each
22 year, the ethanol infrastructure must be used to store and
23 dispense E-15 gasoline as a registered fuel recognized by the
24 United States environmental protection agency.

25 ~~{a}~~ (b) Store and dispense E-85 gasoline.

26 ~~{b}~~ (c) Store, blend, and dispense motor fuel from a motor
27 fuel blender pump, ~~as required in this subparagraph division.~~

28 The ethanol infrastructure must ~~provide~~ be used for the storage
29 of ethanol or ethanol blended gasoline, or for blending ethanol
30 with gasoline. The ethanol infrastructure must at least
31 include a motor fuel blender pump which dispenses different
32 classifications of ethanol blended gasoline and allows E-85
33 gasoline to be dispensed at all times that the blender pump is
34 operating.

35 DIVISION VII

1 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM

2 Sec. 55. 2015 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM.

3 1. Definitions. As used in this section, unless the context
4 provides otherwise:

5 a. "Eligible employee" means an employee or qualified
6 employee who has filed a completed application for benefits
7 with the Iowa public employees' retirement system created in
8 chapter 97B in which the employee's or qualified employee's
9 intended first month of entitlement, as defined in section
10 97B.1A, is no later than September 2015.

11 b. (1) "Employee" means any of the following:

12 (a) An employee, as defined by section 97B.1A, who is
13 employed within the executive branch of this state.

14 (b) An individual who was employed at the mental health
15 institute at Clarinda, Iowa, or at the mental health institute
16 at Mount Pleasant, Iowa, as of April 1, 2015, whose employment
17 was terminated at either mental health institute after April
18 1, 2015.

19 (2) "Employee" does not mean a qualified employee, an
20 elected official, or an employee eligible for the sick leave
21 conversion program as described in section 70A.23, subsection
22 4.

23 c. "Employer" means a department, agency, board, or
24 commission of the state that employs individuals.

25 d. "Health insurance contribution benefit" means the amount
26 representing the monthly contribution cost of an affordable
27 group health care plan offered by the state, as determined by
28 the department of administrative services, providing coverage
29 to the participant and, if applicable, the participant's spouse
30 for the applicable period of coverage.

31 e. "Participant" means a person who timely submits an
32 election to participate, is accepted to participate, and does
33 participate, in the state employee retirement incentive program
34 established under this section.

35 f. "Program" means the state employee retirement incentive

1 program established under this section.

2 g. "Qualified employee" means an employee of a judicial
3 district department of correctional services, an employee in
4 the office of a statewide elected official, or an employee of
5 the state board of regents if the board elects to participate
6 in the program.

7 h. "Years of service incentive benefit" means an amount
8 equal to the entire value of an eligible employee's accumulated
9 but unused vacation plus, for eligible employees with at least
10 ten years of state employment service, one thousand dollars
11 for each year of state employment service up to a maximum of
12 twenty-five years of state employment service. For purposes of
13 this paragraph, "state employment service" means service, as
14 defined in section 97B.1A, for which the employer is the state.

15 2. Program eligibility. To become a participant in the
16 program, an eligible employee shall do all of the following:

17 a. Submit by July 31, 2015, a written application, on
18 forms prescribed by the department of administrative services,
19 seeking participation in the program.

20 b. Acknowledge in writing the eligible employee's
21 agreement to voluntarily terminate employment in exchange
22 for participation in the state employee retirement incentive
23 program as provided in this section.

24 c. Agree to waive all rights to file suit against the state
25 of Iowa, including all of its departments, agencies, and other
26 subdivisions, based on state or federal claims arising out of
27 the employment relationship.

28 d. Acknowledge, in writing, that participation in the
29 program waives any right to accept any employment with the
30 state other than as an elected official on or after the date
31 the eligible employee separates from employment.

32 e. Agree to separate from employment with the state no later
33 than August 27, 2015.

34 3. Participant acceptance. An eligible employee shall be
35 accepted into the program if the department of administrative

1 services determines that the eligible employee meets the
2 requirements to be eligible to participate in the program.

3 4. Program benefits. Upon acceptance to participate in the
4 program and separation from employment with the state no later
5 than August 27, 2015, a participant shall receive the following
6 benefits:

7 a. During November 2015, and each November thereafter for a
8 total of five years, the state shall pay to the participant,
9 or the participant's beneficiary, an amount equal to twenty
10 percent of the years of service incentive benefit for that
11 participant. Receipt of a years of service incentive benefit
12 pursuant to this section by a participant shall be in lieu
13 of receiving a payment for the participant's accumulated but
14 unused vacation upon termination of employment.

15 b. For the period of time commencing with the first month
16 in which a participant is ineligible for or exhausts the
17 participant's available remaining value of sick leave used
18 to pay the state share for the participant's continuation of
19 state group health insurance coverage as provided in section
20 70A.23, subsection 3, and ending five years from the date
21 the participant separates from employment with the state as
22 provided in this section, the participant, or the participant's
23 surviving spouse, shall be entitled to receive a health
24 insurance contribution benefit to be used by the participant
25 or the participant's beneficiary to pay the cost for eligible
26 state group health insurance. The department of administrative
27 services shall determine what health insurance plans constitute
28 eligible state group health insurance for purposes of this
29 paragraph "b".

30 5. Reemployment.

31 a. An employer shall not offer permanent part-time
32 employment, permanent full-time employment, temporary
33 employment, or retention as an independent contractor to a
34 participant.

35 b. This section shall not preclude a participant from

1 membership on a board or commission.

2 6. Program administration and reporting.

3 a. The department of administrative services shall
4 administer the program and shall adopt administrative rules
5 to administer the program. The department of administrative
6 services and the department of management may adopt rules on an
7 emergency basis under section 17A.4, subsection 3, and section
8 17A.5, subsection 2, paragraph "b", to implement this section
9 and the rules shall be effective immediately upon filing unless
10 a later date is specified in the rules.

11 b. Records of the Iowa public employees' retirement system
12 shall be released for the purposes of administering and
13 monitoring the program subject to the requirements of section
14 97B.17, subsection 5.

15 c. The department of administrative services, in
16 collaboration with the department of management, shall present
17 an interim report to the general assembly, including copies to
18 the legislative services agency and the fiscal committee of
19 the legislative council, by December 1, 2015, concerning the
20 operation of the program. The department shall also submit
21 an annual update concerning the program by October 1 of each
22 year for four years, commencing December 1, 2016. The reports
23 shall include information concerning the number of program
24 participants, the cost of the program including any payments
25 made to participants, the number of state employment positions
26 not filled pursuant to the program, and the number of positions
27 vacated by a program participant that have been refilled with a
28 comparison of the salary of the program participant at the time
29 the position was vacated to the beginning salary of the person
30 who refilled the position.

31 7. Legislative and judicial branch employees.

32 a. The legislative council may provide a retirement
33 incentive program for employees of the legislative branch
34 consistent with the program provided in this section for
35 executive branch employees. If the legislative council

1 provides an incentive program, the legislative council shall
2 collaborate with the department of administrative services to
3 establish the program as required under this section as nearly
4 as identical as possible to the program provided executive
5 branch employees under this section. The program provided
6 pursuant to this paragraph "a" shall establish the same time
7 guidelines and benefit calculations as provided under the
8 program for executive branch employees.

9 b. The supreme court may provide a retirement incentive
10 program for employees of the judicial branch consistent with
11 the program provided in this section for executive branch
12 employees. If the supreme court provides an incentive program,
13 the supreme court shall collaborate with the department of
14 administrative services to establish the program as required
15 under this section as nearly as identical as possible to the
16 program provided executive branch employees under this section.
17 The program provided pursuant to this paragraph "b" shall
18 establish the same time guidelines and benefit calculations as
19 provided under the program for executive branch employees.

20 Sec. 56. EFFECTIVE UPON ENACTMENT. This division of this
21 Act, being deemed of immediate importance, takes effect upon
22 enactment.

23 DIVISION VIII

24 SCHOOL AID — PERCENTS OF GROWTH

25 Sec. 57. Section 257.8, subsections 1 and 2, Code 2015, are
26 amended to read as follows:

27 1. *State percent of growth.* ~~The state percent of growth~~
28 ~~for the budget year beginning July 1, 2012, is two percent.~~
29 The state percent of growth for the budget year beginning July
30 1, 2013, is two percent. The state percent of growth for the
31 budget year beginning July 1, 2014, is four percent. The state
32 percent of growth for the budget year beginning July 1, 2015,
33 is two and five-eighths percent. The state percent of growth
34 for the budget year beginning July 1, 2016, is four percent.
35 The state percent of growth for each subsequent budget year

1 shall be established by statute which shall be enacted within
2 thirty days of the submission in the year preceding the
3 base year of the governor's budget under section 8.21. The
4 establishment of the state percent of growth for a budget year
5 shall be the only subject matter of the bill which enacts the
6 state percent of growth for a budget year.

7 2. *Categorical state percent of growth.* ~~The categorical~~
8 ~~state percent of growth for the budget year beginning July 1,~~
9 ~~2012, is two percent.~~ The categorical state percent of growth
10 for the budget year beginning July 1, 2013, is two percent.
11 The categorical state percent of growth for the budget year
12 beginning July 1, 2014, is four percent. The categorical
13 state percent of growth for the budget year beginning July
14 1, 2015, is two and five-eighths percent. The categorical
15 percent of growth for the budget year beginning July 1, 2016,
16 is four percent. The categorical state percent of growth for
17 each budget year shall be established by statute which shall
18 be enacted within thirty days of the submission in the year
19 preceding the base year of the governor's budget under section
20 8.21. The establishment of the categorical state percent of
21 growth for a budget year shall be the only subject matter of
22 the bill which enacts the categorical state percent of growth
23 for a budget year. The categorical state percent of growth
24 may include state percents of growth for the teacher salary
25 supplement, the professional development supplement, the early
26 intervention supplement, and the teacher leadership supplement.

27 Sec. 58. CODE SECTION 257.8 — IMPLEMENTATION. The
28 requirements of section 257.8, subsections 1 and 2, regarding
29 the enactment of bills establishing the regular program state
30 percent of growth and the categorical state percent of growth
31 within thirty days of the submission in the year preceding
32 the base year of the governor's budget and the subject matter
33 limitation of bills establishing the state percent of growth
34 and the categorical state percent of growth do not apply to
35 this division of this Act.

1 Sec. 59. EFFECTIVE UPON ENACTMENT. This division of this
2 Act, being deemed of immediate importance, takes effect upon
3 enactment.

4 DIVISION IX

5 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

6 Sec. 60. STREET CONSTRUCTION FUND — APPROPRIATION.

7 1. In a written application to the treasurer of state
8 submitted by October 1, 2015, a city may request an
9 additional distribution of moneys to be credited to the street
10 construction fund of the city equal to that additional amount,
11 calculated by the treasurer, that the city would have received
12 if the funds were apportioned based upon the population of the
13 city as determined by section 312.3, subsection 2, paragraph
14 "d", for the months prior to the effective date of this
15 division of this Act.

16 2. Upon determination by the treasurer of state that an
17 additional amount should be credited to a city as provided by
18 this section, there is appropriated from the general fund of
19 the state to the department of transportation, for the fiscal
20 year beginning July 1, 2015, and ending June 30, 2016, an
21 amount sufficient to pay the additional amount which shall be
22 distributed to the city for deposit in the street construction
23 fund of the city.

24 Sec. 61. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 Sec. 62. RETROACTIVE APPLICABILITY. This division of this
28 Act applies retroactively to March 2011.

29 DIVISION X

30 DRUG OVERDOSE PREVENTION

31 Sec. 63. Section 85.27, Code 2015, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 1A. If an employee receives care pursuant
34 to subsection 1 and the treating physician or other health care
35 professional reasonably believes, based on such physician's or

1 other health care professional's professional judgment, that
2 the employee is at risk of an opioid-related overdose due to
3 the work-related injury or the treatment of the work-related
4 injury, the cost of an opioid antagonist shall be paid by the
5 employer or the employer's insurance carrier. For purposes
6 of this subsection, "*opioid antagonist*" and "*opioid-related*
7 *overdose*" mean the same as defined in section 124.418.

8 Sec. 64. NEW SECTION. **124.417 Persons seeking medical**
9 **assistance for drug-related overdose.**

10 1. As used in this section, unless the context otherwise
11 requires:

12 *a. "Drug-related overdose"* means a condition of a person for
13 which each of the following is true:

14 (1) The person is in need of medical assistance.

15 (2) The person displays symptoms including but not limited
16 to extreme physical illness, pinpoint pupils, decreased level
17 of consciousness including coma, or respiratory depression.

18 (3) The person's condition is the result of, or a prudent
19 layperson would reasonably believe such condition to be the
20 result of, the consumption or use of a controlled substance.

21 *b. "Overdose patient"* means a person who is, or would
22 reasonably be perceived to be, suffering a drug-related
23 overdose.

24 *c. "Overdose reporter"* means a person who seeks medical
25 assistance for an overdose patient.

26 *d. "Protected information"* means information or evidence
27 collected or derived as a result of any of the following:

28 (1) An overdose patient's good-faith actions to seek
29 medical assistance while experiencing a drug-related overdose.

30 (2) An overdose reporter's good-faith actions to seek
31 medical assistance for an overdose patient experiencing a
32 drug-related overdose if all of the following are true:

33 (a) The overdose patient is in need of medical assistance
34 for an immediate health or safety concern.

35 (b) The overdose reporter is the first person to seek

1 medical assistance for the overdose patient.

2 (c) The overdose reporter provides the overdose reporter's
3 name and contact information to medical or law enforcement
4 personnel.

5 (d) The overdose reporter remains on the scene until
6 assistance arrives or is provided.

7 (e) The overdose reporter cooperates with law enforcement
8 and medical personnel.

9 2. Protected information shall not be considered to support
10 probable cause and shall not be admissible as evidence against
11 an overdose patient or overdose reporter for any of the
12 following offenses:

13 a. Violation of section 124.401, subsection 1.

14 b. Possession of a controlled substance under section
15 124.401, subsection 5.

16 c. Violation of section 124.407.

17 d. Violation of section 124.414.

18 3. A person's pretrial release, probation, supervised
19 release, or parole shall not be revoked based on protected
20 information.

21 4. Notwithstanding any other provision of law to the
22 contrary, the act of providing first aid or other medical
23 assistance to someone who is experiencing a drug-related
24 overdose may be considered by a court as a mitigating factor in
25 a criminal prosecution.

26 5. This section shall not be construed to limit the use or
27 admissibility of any evidence in a criminal case other than as
28 provided in subsection 2.

29 Sec. 65. NEW SECTION. 124.418 Possession of an opioid
30 antagonist.

31 1. For purposes of this section:

32 a. "*Health care professional*" means a physician and surgeon
33 or osteopathic physician and surgeon licensed under chapter
34 148, physician assistant licensed under chapter 148C, advanced
35 registered nurse practitioner licensed under chapter 152 or

1 152E, or pharmacist licensed under chapter 155A.

2 *b. "Opioid antagonist"* means a drug that binds to opioid
3 receptors and blocks or inhibits the effects of opioids acting
4 on those receptors, including but not limited to naloxone
5 hydrochloride or any other similarly acting drug approved by
6 the United States food and drug administration.

7 *c. "Opioid-related overdose"* means a condition of a person
8 for which each of the following is true:

9 (1) The person requires medical assistance.

10 (2) The person displays symptoms including but not limited
11 to extreme physical illness, pinpoint pupils, decreased level
12 of consciousness including coma, or respiratory depression.

13 (3) The person's condition is the result of, or a prudent
14 layperson would reasonably believe the person's condition to
15 be the result of, consumption or use of an opioid or another
16 substance with which an opioid was combined.

17 2. Notwithstanding the provisions of this chapter or any
18 other law, a person may possess an opioid antagonist if each of
19 the following is true:

20 *a.* The opioid antagonist is prescribed, dispensed,
21 furnished, distributed, or otherwise provided by a health
22 care professional otherwise authorized to prescribe an opioid
23 antagonist, either directly, by standing order, or through a
24 collaborative agreement.

25 *b.* The person is a family member or friend of, or
26 other person in a position to assist, a person at risk of
27 experiencing an opioid-related overdose.

28 Sec. 66. NEW SECTION. 135.181 **Standards and reports on**
29 **opioid antagonist use.**

30 1. For purposes of this section:

31 *a. "Emergency medical services"* means the same as defined
32 in section 147A.1.

33 *b. "First responder"* means emergency medical personnel,
34 state and local law enforcement personnel, or fire department
35 personnel who provide emergency medical services.

1 *c. "Health care professional"* means a physician and surgeon
2 or osteopathic physician and surgeon licensed under chapter
3 148, physician assistant licensed under chapter 148C, advanced
4 registered nurse practitioner licensed under chapter 152 or
5 152E, or pharmacist licensed under chapter 155A.

6 *d. "Opioid antagonist"* means the same as defined in section
7 124.418.

8 2. The department shall develop standards for recordkeeping
9 and reporting of opioid antagonist use by first responders in
10 this state, and shall provide an annual report to the general
11 assembly with recommendations regarding the use of opioid
12 antagonists in this state.

13 3. The department shall consult with health care
14 professional organizations, organizations representing first
15 responders, and other groups as determined by the department
16 to develop protocols and instructions for the administration
17 of an opioid antagonist by a person who is not a health care
18 professional or a first responder. The department shall make
19 the protocols and instructions developed pursuant to this
20 subsection publicly available on the department's internet
21 site.

22 Sec. 67. Section 147.107, Code 2015, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 5A. *a.* For purposes of this subsection:

25 (1) *"Opioid antagonist"* means the same as defined in section
26 124.418.

27 (2) *"Opioid-related overdose"* means the same as defined in
28 section 124.418.

29 *b.* Notwithstanding subsection 1 or any other provision
30 of law, a health care professional otherwise authorized to
31 prescribe an opioid antagonist may directly, by standing order,
32 or through collaborative agreement, prescribe, dispense,
33 furnish, or otherwise provide an opioid antagonist to a person
34 at risk of experiencing an opioid-related overdose or to a
35 family member or friend of, or other person whom the health

1 care professional believes to be in a position to assist, a
2 person at risk of experiencing an opioid-related overdose.
3 Any such prescription shall be deemed as being issued for a
4 legitimate medical purpose in the usual course of professional
5 practice.

6 *c.* A health care professional who prescribes an opioid
7 antagonist shall document the reasons for the prescription or
8 standing order.

9 *d.* A pharmacist who dispenses, furnishes, or otherwise
10 provides an opioid antagonist pursuant to a valid prescription,
11 standing order, or collaborative agreement shall provide
12 instruction to the recipient in accordance with the protocols
13 and instructions developed by the department of public health
14 under section 135.181.

15 *e.* A health care professional who is licensed to prescribe
16 an opioid antagonist shall not be subject to any disciplinary
17 action or civil or criminal liability for prescribing an opioid
18 antagonist to a person whom the health care professional
19 reasonably believes may be in a position to assist or
20 administer the opioid antagonist to a person at risk of an
21 opioid-related overdose.

22 Sec. 68. Section 147A.10, Code 2015, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. *a.* For purposes of this subsection:

25 (1) "*Opioid antagonist*" means the same as defined in section
26 124.418.

27 (2) "*Opioid-related overdose*" means the same as defined in
28 section 124.418.

29 *b.* An emergency medical care provider or a law enforcement
30 officer who has been trained in the administration of an opioid
31 antagonist and acts with reasonable care in administering an
32 opioid antagonist to another person who the emergency medical
33 care provider or law enforcement officer believes in good faith
34 to be suffering an opioid-related overdose shall not be subject
35 to civil liability, disciplinary action, or a civil or criminal

1 penalty for an act or omission related to or resulting from the
2 administration.

3 Sec. 69. NEW SECTION. 155A.45 Administration of an opioid
4 antagonist.

5 1. For purposes of this section:

6 a. "*Opioid antagonist*" means the same as defined in section
7 124.418.

8 b. "*Opioid-related overdose*" means the same as defined in
9 section 124.418.

10 2. A person who is not otherwise licensed by an appropriate
11 state board to prescribe, dispense, or administer opioid
12 antagonists to patients may, in an emergency, administer an
13 opioid antagonist to another person if the person believes in
14 good faith that the other person is suffering an opioid-related
15 overdose, and the person shall not be subject to civil
16 liability, disciplinary action, or a civil or criminal penalty
17 for an act or omission related to or resulting from the
18 administration of an opioid antagonist.

19 Sec. 70. Section 249A.20A, Code 2015, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 12. a. For purposes of this subsection,
22 "*opioid antagonist*" means the same as defined in section
23 124.418.

24 b. Notwithstanding anything in this section to the contrary,
25 the department shall include an opioid antagonist, including
26 any device integral to its administration, on the preferred
27 drug list. Reimbursement under the medical assistance program
28 shall be provided through existing resources.

29 c. A prescription for an opioid antagonist shall not be
30 subject to prior authorization or other utilization management
31 if the prescriber deems the opioid antagonist medically
32 necessary.

33 DIVISION XI

34 COUNTY COURTHOUSES

35 Sec. 71. Section 602.6105, subsection 2, Code 2015, is

1 amended to read as follows:

2 2. In any county having two county seats, court shall be
3 held at each, ~~and, in the county of Pottawattamie, court shall~~
4 ~~be held at Avoca, as well as at the county seat.~~

5 Sec. 72. REPEAL. 1884 Iowa Acts, chapter 198, is repealed.

6 DIVISION XII

7 REFUGEE FAMILY SUPPORT SERVICES

8 Sec. 73. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM.

9 1. The bureau of refugee services within the department
10 of human services shall establish, promote, and administer a
11 refugee family support services pilot program for purposes of
12 providing a grant to a state, local, or community organizations
13 working with refugee populations to contract with and train
14 multiple refugees to act as refugee community navigators.

15 2. An organization awarded a grant pursuant to this section
16 shall recruit and train multiple refugee community navigators
17 to educate and provide direct assistance to their respective
18 refugee communities so the refugee communities can successfully
19 access and utilize existing community resources and services.

20 3. The refugee community navigators shall train other
21 refugee community members and shall offer home-based,
22 peer-group learning sessions about resources in the community.

23 4. A grant awarded pursuant to this section shall be
24 used for employment costs of a program manager and community
25 navigator coordinator, and contract and stipend costs for
26 multiple refugee community navigators for each organization.

27 5. The bureau of refugee services shall award one grant to
28 a state, local, or community organization through a competitive
29 application process. The bureau shall provide moneys over a
30 three-year period to an organization awarded a grant.

31 6. A state, local, or community organization awarded a grant
32 pursuant to this section shall provide the bureau with annual
33 progress reports. The bureau of refugee services shall present
34 a report of the program goals and outcomes to the general
35 assembly.

1 7. The bureau of refugee services shall conduct a
2 comprehensive review of the refugee family support services
3 pilot program and shall, by December 31, 2017, submit a
4 report of its review, as well as any recommendations and cost
5 projections of its recommendations to the governor and the
6 general assembly.

7 8. The bureau of refugee services may expend program moneys
8 for administrative expenses as provided by law.

9 Sec. 74. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM
10 APPROPRIATION. There is appropriated from the general fund of
11 the state to the department of human services for the fiscal
12 year beginning July 1, 2014, and ending June 30, 2015, the
13 following amount, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 For a pilot project pursuant to the refugee family support
16 services pilot project program created in this division of this
17 Act in a county with a population over 350,000 as determined by
18 the 2010 federal decennial census:

19 \$ 750,000

20 Of the moneys appropriated for each fiscal year, \$40,000 may
21 be used for bureau of refugee services' administration costs
22 for establishing, promoting, and administering the program.

23 Notwithstanding section 8.33, moneys appropriated in this
24 section that remain unencumbered or unobligated at the close of
25 the fiscal year shall not revert but shall remain available for
26 expenditure for the purposes designated until the close of the
27 succeeding fiscal year.

28 Sec. 75. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 DIVISION XIII

32 DEPARTMENT OF MANAGEMENT — DUTIES

33 Sec. 76. Section 8.6, subsections 12 and 13, Code 2015, are
34 amended by striking the subsections.

35 Sec. 77. Section 8A.111, Code 2015, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 11. An annual report on the administration
3 and promotion of equal opportunity in state contracts and
4 services under section 19B.7.

5 Sec. 78. Section 19B.6, Code 2015, is amended to read as
6 follows:

7 **19B.6 Responsibilities of department of administrative**
8 **services and ~~department of management~~ — affirmative action.**

9 The department of administrative services shall oversee the
10 implementation of sections 19B.1 through 19B.5 and shall work
11 with the governor to ensure compliance with those sections,
12 including the attainment of affirmative action goals and
13 timetables, by all state agencies, excluding the state board
14 of regents and its institutions. ~~The department of management~~
15 ~~shall oversee the implementation of sections 19B.1 through~~
16 ~~19B.5 and shall work with the governor to ensure compliance~~
17 ~~with those sections, including the attainment of affirmative~~
18 ~~action goals and timetables, by the state board of regents and~~
19 ~~its institutions.~~

20 Sec. 79. Section 19B.7, subsection 1, unnumbered paragraph
21 1, Code 2015, is amended to read as follows:

22 Except as otherwise provided in subsection 2, the department
23 of ~~management~~ administrative services is responsible for the
24 administration and promotion of equal opportunity in all state
25 contracts and services and the prohibition of discriminatory
26 and unfair practices within any program receiving or benefiting
27 from state financial assistance in whole or in part. In
28 carrying out these responsibilities the department of
29 ~~management~~ administrative services shall:

30 Sec. 80. Section 19B.8, Code 2015, is amended to read as
31 follows:

32 **19B.8 Sanctions.**

33 The department of ~~management~~ administrative services may
34 impose appropriate sanctions on individual state agencies,
35 including the state board of regents and its institutions, and

1 upon a community college, area education agency, or school
2 district, in order to ensure compliance with state programs
3 emphasizing equal opportunity through affirmative action,
4 contract compliance policies, and requirements for procurement
5 goals for targeted small businesses.

6 DIVISION XIV

7 CLAIMS AGAINST THE STATE AND BY THE STATE

8 Sec. 81. Section 8.55, subsection 3, paragraph a, Code 2015,
9 is amended to read as follows:

10 a. Except as provided in paragraphs "b", "c", and "d", and
11 "0e", the moneys in the Iowa economic emergency fund shall
12 only be used pursuant to an appropriation made by the general
13 assembly. An appropriation shall only be made for the fiscal
14 year in which the appropriation is made. The moneys shall
15 only be appropriated by the general assembly for emergency
16 expenditures.

17 Sec. 82. Section 8.55, subsection 3, Code 2015, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. 0e. There is appropriated from the Iowa
20 economic emergency fund to the state appeal board an amount
21 sufficient to pay claims authorized by the state appeal board
22 as provided in section 25.2.

23 Sec. 83. Section 25.2, subsection 4, Code 2015, is amended
24 to read as follows:

25 4. Payments authorized by the state appeal board shall be
26 paid from the appropriation or fund of original certification
27 of the claim. However, if that appropriation or fund has since
28 reverted under section 8.33, then such payment authorized by
29 the state appeal board shall be ~~out of any money in the state~~
30 ~~treasury not otherwise appropriated~~ as follows:

31 a. From the appropriation made from the Iowa economic
32 emergency fund in section 8.55 for purposes of paying such
33 expenses.

34 b. To the extent the appropriation from the Iowa economic
35 emergency fund described in paragraph "a" is insufficient to

1 pay such expenses, there is appropriated from moneys in the
2 general fund of the state not otherwise appropriated the amount
3 necessary to fund the deficiency.

4 DIVISION XV

5 STATE GEOLOGICAL SURVEY

6 Sec. 84. Section 456.1, Code 2015, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **456.1 Geological survey created — definitions.**

9 1. A state geological survey is created within the IIHR —
10 hydroscience and engineering unit of the university of Iowa
11 college of engineering.

12 2. As used in this chapter, unless the context otherwise
13 requires:

14 a. “*Director*” means the director of the unit.

15 b. “*Unit*” means the IIHR — hydroscience and engineering
16 unit of the university of Iowa college of engineering.

17 Sec. 85. NEW SECTION. **456.1B Mission.**

18 1. It is the mission of the state geological survey to
19 plan and implement initiatives that result in the acquisition
20 of comprehensive information regarding the mineral and water
21 resources of this state, with an emphasis on water supply
22 developments and monitoring the effects of environmental
23 impacts on water quality in a politically independent manner.
24 The state geological survey shall endeavor to enhance this
25 state’s economy through the enlightened development and
26 management of this state’s precious geological and hydrological
27 resources, while providing a clean and healthy environment for
28 Iowa’s citizens.

29 2. The state geological survey shall analyze, interpret,
30 and make available to the public, private sector, and public
31 policymakers publications, consultant services, and a library
32 of databases in order to improve the integration, and analysis
33 of natural resource information in a manner that improves
34 decisions affecting the management, development and protection
35 of Iowa’s natural resources.

1 Sec. 86. NEW SECTION. **456.1C Cooperation.**

2 The state geological survey shall cooperate with federal
3 and state agencies to maximize the benefits derived from
4 resource assessments and to expand educational and technology
5 transfer programs. The survey shall cooperate with all of the
6 following:

7 1. For the federal government, the United States department
8 of agriculture, and United States geological survey.

9 2. For institutions under the control of the state board of
10 regents, the Iowa flood center established in section 466C.1,
11 the state hygienic laboratory as provided in section 263.7, and
12 the state archaeologist appointed pursuant to section 263B.1.

13 Sec. 87. NEW SECTION. **456.1D Administration.**

14 1. For administrative purposes, the state geological
15 survey shall be located in or in proximity to Iowa City. The
16 president of the university shall cooperate with the director
17 to provide office space, staff assistance, and necessary
18 supplies and equipment.

19 2. The state geologist may establish divisions within
20 the state geological survey and positions within the
21 division, which may provide for geological studies,
22 stratigraphy and economic geology, water resources, technical
23 services, administrative services, and contracts and grants
24 administration.

25 Sec. 88. Section 456.4, Code 2015, is amended to read as
26 follows:

27 **456.4 Investigations — collection — renting space.**

28 The state geologist shall investigate the characters of the
29 various soils and their capacities for agricultural purposes,
30 the streams, and other scientific and natural resource matters
31 that may be of practical importance and interest. For the
32 purpose of preserving well drilling samples, rock cores,
33 fossils, and other materials as may be necessary to carry on
34 investigations, the state geologist shall have the authority
35 to lease or rent sufficient space for storage of these

1 materials with the approval of the director ~~of the department~~
2 ~~of administrative services~~. A complete cabinet collection
3 may be made to illustrate the natural products of the state,
4 and the state geologist may also furnish suites of materials,
5 rocks, and fossils for colleges and public museums within the
6 state, if it can be done without impairing the general state
7 collection.

8 Sec. 89. Section 456.7, Code 2015, is amended to read as
9 follows:

10 **456.7 Annual report.**

11 The state geologist shall, annually, at the time provided
12 by law, make to the director and to the governor a full
13 report of the work in the preceding year, which report shall
14 be accompanied by such other reports and papers as may be
15 considered desirable for publication.

16 Sec. 90. Section 456.10, Code 2015, is amended to read as
17 follows:

18 **456.10 Distribution and sale of reports.**

19 All publications of the geological survey shall be
20 distributed by the state geologist as are other published
21 reports of state officers when no special provision is made.
22 When such distribution has been made the state geologist shall
23 retain a sufficient number of copies to supply probable future
24 demands and any copies in excess of such number shall be sold
25 to persons making application therefor at the cost price of
26 publication, the money thus accruing to be turned into the
27 treasury of the state.

28 **Sec. 91. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.**

29 1. Any rule, regulation, form, order, or directive
30 promulgated by the department of natural resources as required
31 to administer and enforce the provisions of chapter 456 shall
32 continue in full force and effect until amended, repealed, or
33 supplemented by affirmative action of the state geological
34 survey.

35 2. An administrative hearing or court proceeding arising

1 out of an enforcement action under section 455B.109 pending
2 on the effective date of this division of this Act shall not
3 be affected due to this division of this Act. Any cause of
4 action or statute of limitation relating to an action taken by
5 the department of natural resources shall not be affected as a
6 result of this division of this Act and such cause or statute
7 of limitation shall apply to the state geological survey.

8 3. Any personnel in the state merit system of employment who
9 are mandatorily transferred due to the effect of this division
10 of this Act shall be so transferred without any loss in salary,
11 benefits, or accrued years of service.

12 4. Any replacement of signs, logos, stationery, insignia,
13 uniforms, and related items that is made necessary due to the
14 effect of this division of this Act shall be done as part of the
15 normal replacement cycle for such items.

16 Sec. 92. STATE GEOLOGICAL SURVEY. There is appropriated
17 from the general fund of the state to the university of Iowa
18 for the fiscal year beginning July 1, 2015, and ending June 30,
19 2016, the following amount, or so much thereof as is necessary,
20 to be used for the purposes designated:

21 For the state geological survey, including salaries,
22 support, maintenance, and miscellaneous purposes:

23 \$ 1,000,000

24 Moneys appropriated to the department of natural resources
25 in 2015 Iowa Acts, Senate File 494, if enacted, for the
26 fiscal year beginning July 1, 2015, for purposes of supporting
27 the department including administration, regulation, and
28 programs, are reduced by \$1,000,000. Moneys appropriated to
29 the department of natural resources in 2015 Iowa Acts, Senate
30 File 494, if enacted, for the fiscal year beginning July 1,
31 2016, for purposes of supporting the department including
32 administration, regulation, and programs, are reduced by
33 \$500,000.

34 DIVISION XVI

35 REVIVAL OF USE RESTRICTIONS

1 Sec. 93. NEW SECTION. **564B.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Bylaws*" means the instruments, however denominated,
5 that contain the procedures for conducting the affairs of the
6 homeowners' association or the executive board regardless of
7 the form in which the homeowners' association is organized,
8 including any amendments to such instruments.

9 2. *a. "Common interest community"* means real estate
10 described in a declaration with respect to which a person, by
11 virtue of the person's ownership of a parcel, is obligated
12 to pay for a share of real estate taxes, insurance premiums,
13 maintenance, or improvement of, or services or other expenses
14 related to, common elements, other parcels, or other real
15 estate described in the declaration. "*Common interest*
16 *community*" includes a cooperative under chapter 499A and a
17 horizontal property regime under chapter 499B.

18 *b. "Common interest community"* does not include a covenant
19 that requires the owners of separate parcels of real estate to
20 share costs or other obligations related to a wall, driveway,
21 well, or other similar structure, unless all such owners
22 consent in writing to the creation of a common interest
23 community.

24 3. "*Declaration*" means a recorded written instrument in the
25 nature of covenants running with the land that subject the land
26 comprising the common interest community to the jurisdiction
27 and control of a homeowners' association in which the owners of
28 the parcels are required to be members.

29 4. "*Executive board*" means the body, regardless of name,
30 designated in the declaration, formation document, or bylaws to
31 act on behalf of the homeowners' association.

32 5. "*Formation document*" means the document filed with the
33 secretary of state that creates a business entity, including
34 but not limited to articles of incorporation, articles of
35 organization, and a certificate of organization.

1 6. "*Homeowners' association*" means an entity responsible
2 for the operation of a common interest community in which the
3 voting membership is made up of parcel owners and in which
4 membership is a mandatory condition of parcel ownership, and
5 which is authorized to impose assessments that, if unpaid, may
6 become a lien on the parcel.

7 7. "*Parcel*" means a physical portion of the common interest
8 community designated for separate ownership or occupancy or
9 as otherwise defined in the statute under which the common
10 interest community is organized.

11 8. "*Parcel owner*" means the record owner of legal title to
12 a parcel or, if the parcel is subject to a contract for deed,
13 the vendee of the real estate contract. "*Parcel owner*" does
14 not include a person having an interest in a parcel solely as
15 security for an obligation.

16 9. "*Use restrictions*" means the same as defined in section
17 614.24, subsection 5.

18 Sec. 94. NEW SECTION. **564B.2 Revival of use restrictions.**

19 Parcel owners in a common interest community may revive use
20 restrictions in a declaration that have become unenforceable
21 by operation of section 614.24 if all of the following
22 requirements are met:

23 1. All parcels which will be subject to the revived use
24 restrictions were previously subject to the use restrictions.

25 2. The affected parcel owners approve the revived use
26 restrictions in the manner provided in this chapter.

27 Sec. 95. NEW SECTION. **564B.3 Procedure to revive use**
28 **restrictions.**

29 1. The proposal to revive use restrictions may contain
30 less than all of the use restrictions which have become
31 unenforceable by operation of section 614.24, but shall not
32 modify any use restriction sought to be revived.

33 2. The proposal to revive use restrictions in a declaration
34 under the terms of this chapter may be initiated by either of
35 the following:

1 *a.* The executive board.

2 *b.* The parcel owners, if a petition is signed by parcel
3 owners who own at least ten percent of the parcels. Such
4 petition shall include the language of the use restrictions
5 proposed to be revived.

6 3. If a proposal is initiated under subsection 2, the
7 executive board shall prepare or cause to be prepared the
8 complete text of the proposed use restrictions to be submitted
9 to the affected parcel owners for approval.

10 4. *a.* The executive board shall present or cause to be
11 presented to all of the affected parcel owners, by mail or hand
12 delivery, all of the following:

13 (1) A notice containing either the place, date, and time of
14 the meeting at which the revival of the use restrictions will
15 be considered and voted upon or instructions for an action by
16 written ballot, including the last date that a written ballot
17 will be accepted.

18 (2) A copy of the complete text of the use restrictions
19 proposed to be revived.

20 (3) The existing declaration, formation document, and
21 bylaws of the homeowners' association.

22 (4) A graphic depiction of the property and the parcels to
23 be governed by the revived use restrictions.

24 (5) A statement that the use restrictions will be revived
25 if parcel owners who own a majority of the affected parcels
26 approve revival.

27 *b.* The parcel owners entitled to receive notice and the
28 materials described in paragraph "a" are the owners of affected
29 parcels as of the close of business on the business day
30 preceding the day on which notice is given.

31 5. The use restrictions shall be revived if the owners of
32 a majority of the affected parcels approve the revived use
33 restrictions by a vote at a meeting of the affected parcel
34 owners conducted in the manner described in section 564B.4 or
35 in an action by written ballot as described in section 564B.5.

1 Sec. 96. NEW SECTION. **564B.4 Meetings to revive use**
2 **restrictions.**

3 1. A vote to revive use restrictions shall not be held
4 unless the parcel owners described in section 564B.3,
5 subsection 4, paragraph "b", received the notice and documents
6 specified in section 564B.3, subsection 4, not less than
7 fourteen days or more than sixty days before such a vote.

8 2. A quorum shall be met if parcel owners who own a majority
9 of the affected parcels are present at the meeting, either in
10 person or by proxy.

11 3. The parcel owners entitled to vote at the meeting are the
12 owners of affected parcels as of the date of the meeting.

13 4. At the meeting, there shall be one vote per parcel,
14 regardless of the number of parcel owners who own such parcel.

15 5. *a.* The parcel owners have the right to vote in person
16 or by proxy.

17 *b.* To be valid, a proxy must be dated, shall state the date,
18 time, and place of the meeting for which the proxy was given,
19 and shall be signed by the parcel owner. If a parcel is owned
20 by more than one person, each owner of the parcel shall sign
21 the proxy for such proxy to be valid.

22 *c.* A proxy is effective only for the specific meeting for
23 which the proxy was originally given.

24 *d.* A proxy is revocable at any time at the discretion of a
25 parcel owner who executed the proxy.

26 *e.* If the proxy form expressly so provides, any proxy holder
27 may appoint, in writing, a substitute to act in the proxy
28 holder's place.

29 Sec. 97. NEW SECTION. **564B.5 Action by written ballot.**

30 1. A vote to revive use restrictions may be taken without a
31 meeting if the executive board delivers a written ballot with
32 the notice and other documents required to be delivered under
33 section 564B.3, subsection 4, to the owners of every affected
34 parcel.

35 2. A written ballot shall set forth the use restrictions

1 proposed to be revived and provide an opportunity to vote for
2 or against revival.

3 3. One written ballot shall be provided for each parcel,
4 regardless of the number of parcel owners who own such parcel.

5 4. The use restrictions shall be revived if the parcel
6 owners of a majority of the affected parcels approve the
7 revived use restrictions by written ballot.

8 5. The deadline for the written ballot to be received to
9 be counted shall be at least fourteen days, but not more than
10 sixty days, after the written ballot was delivered.

11 6. A written ballot that has been cast shall not be revoked.

12 Sec. 98. NEW SECTION. 564B.6 Recording and notice of
13 recording.

14 1. No later than thirty days after the parcel owners have
15 approved the revival of the use restrictions, the executive
16 board shall file the revived use restrictions with the recorder
17 of each county in which the land comprising the common interest
18 community is located.

19 2. Immediately after recording the revived use
20 restrictions, the executive board shall mail or deliver, or
21 shall cause to be mailed or delivered, a complete copy of the
22 revived use restrictions to each parcel owner.

23 Sec. 99. NEW SECTION. 564B.7 Effect of revived use
24 restrictions.

25 1. The revived use restrictions shall be effective upon
26 recordation with respect to each affected parcel, regardless
27 of whether an owner of an affected parcel approved the revived
28 use restrictions.

29 2. The revived use restrictions shall not be given
30 retroactive effect with respect to any affected parcel.

31 3. A use restriction revived under this chapter shall not be
32 enforced against a parcel if each of the following are true:

33 a. A parcel owner made a good-faith investment that would be
34 impaired by such enforcement.

35 b. The good-faith investment described in paragraph "a" was

1 made after the use restriction was unenforceable under section
2 614.24 and before the use restriction was revived pursuant to
3 this chapter.

4 Sec. 100. Section 614.24, Code 2015, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 6. If use restrictions are revived pursuant
7 to chapter 564B, the recording date for purposes of the
8 twenty-one year limitation in subsection 1 shall be the date
9 the revived use restrictions are recorded under section 564B.6,
10 subsection 1.

11 Sec. 101. APPLICABILITY. This division of this Act applies
12 to common interest communities created prior to, and still in
13 existence on, July 1, 2015, and created on or after July 1,
14 2015.

15 DIVISION XVII

16 INTEROPERABLE COMMUNICATIONS

17 Sec. 102. Section 80.28, subsection 2, unnumbered paragraph
18 1, Code 2015, is amended to read as follows:

19 The board shall consist of ~~fifteen~~ seventeen voting members,
20 as follows:

21 Sec. 103. Section 80.28, subsection 2, paragraph b,
22 subparagraph (4), Code 2015, is amended to read as follows:

23 (4) Two members who are ~~law~~ public safety communication
24 center managers employed by state or local government agencies.

25 Sec. 104. Section 80.28, subsection 2, paragraph b, Code
26 2015, is amended by adding the following new subparagraphs:

27 NEW SUBPARAGRAPH. (05) One member representing local
28 emergency management coordinators.

29 NEW SUBPARAGRAPH. (005) One member representing emergency
30 medical service providers.

31 DIVISION XVIII

32 HUMAN TRAFFICKING

33 Sec. 105. Section 80B.11, subsection 1, paragraph c, Code
34 2015, is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (4) In-service training under this

1 paragraph "c" shall include the requirement that all law
2 enforcement officers complete four hours of in-service training
3 every five years related to domestic assault, sexual assault,
4 human trafficking, stalking, and harassment. Such in-service
5 training shall be approved by the academy in consultation
6 with the Iowa coalition against sexual assault and the Iowa
7 coalition against domestic violence.

8 Sec. 106. NEW SECTION. **692.23 Human trafficking**
9 **information.**

10 The division of criminal and juvenile justice planning
11 of the department of human rights shall collect and maintain
12 criminal history data on incidents related to human trafficking
13 in this state, and shall submit an annual report to the general
14 assembly concerning the collected data. For purposes of this
15 section, "*incidents related to human trafficking*" means criminal
16 violations of section 710.5, 710.11, or 710A.2, section 725.1,
17 subsection 2, or section 725.2 or 725.3, or violations of
18 section 710.2, 710.3, or 710.4 if the victim was forced to
19 provide labor or services or participate in commercial sexual
20 activity.

21 Sec. 107. Section 702.11, subsection 1, Code 2015, is
22 amended to read as follows:

23 1. A "*forcible felony*" is any felonious child endangerment,
24 assault, murder, sexual abuse, kidnapping, robbery, arson in
25 the first degree, ~~or~~ burglary in the first degree, or human
26 trafficking.

27 Sec. 108. NEW SECTION. **710A.6 Outreach, public awareness,**
28 **and training programs.**

29 The crime victim assistance division of the department of
30 justice, in cooperation with other governmental agencies and
31 nongovernmental or community organizations, shall develop and
32 conduct outreach, public awareness, and training programs for
33 the general public, law enforcement agencies, first responders,
34 potential victims, and persons conducting or regularly dealing
35 with businesses or other ventures that have a high statistical

1 incidence of debt bondage or forced labor or services. The
2 programs shall train participants to recognize and report
3 incidents of human trafficking and to suppress the demand that
4 fosters exploitation of persons and leads to human trafficking.
5 Sec. 109. Section 915.94, Code 2015, is amended to read as
6 follows:

7 **915.94 Victim compensation fund.**

8 A victim compensation fund is established as a separate
9 fund in the state treasury. Moneys deposited in the fund
10 shall be administered by the department and dedicated to and
11 used for the purposes of section 915.41 and this subchapter.
12 In addition, the department may use moneys from the fund
13 for the purpose of the department's prosecutor-based victim
14 service coordination, including the duties defined in sections
15 910.3 and 910.6 and this chapter, and for the award of funds
16 to programs that provide services and support to victims of
17 domestic abuse or sexual assault as provided in chapter 236,
18 to victims under section 710A.2, and for the support of an
19 automated victim notification system established in section
20 915.10A. ~~The~~ For each fiscal year, the department may also
21 use up to ~~one~~ three hundred thousand dollars from the fund
22 to provide training for victim service providers, to provide
23 training for related professionals concerning victim service
24 programming, and to provide training concerning homicide,
25 domestic assault, sexual assault, stalking, harassment,
26 and human trafficking as required by section 710A.6.
27 Notwithstanding section 8.33, any balance in the fund on June
28 30 of any fiscal year shall not revert to the general fund of
29 the state.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to state and local finances by making
34 appropriations, providing for fees, providing for legal
35 responsibilities, providing for certain employee benefits,

1 and providing for regulatory, taxation, and properly related
2 matters, and including penalties and effective date and
3 retroactive and other applicability provisions.

4 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
5 process applicable to FY 2016-2017, state agencies are required
6 to submit estimates and other expenditure information as called
7 for by the director of the department of management instead of
8 the information required under Code section 8.23.

9 The bill limits standing appropriations for FY 2015-2016
10 and FY 2016-2017 made for the following purposes: casino
11 wagering tax proceeds allocated for department of cultural
12 affairs operational support grants and community cultural
13 grants; payment for nonpublic school transportation; and the
14 enforcement of Iowa Code chapter 453D relating to tobacco
15 product manufacturers.

16 The bill limits the standing appropriation for paying
17 instructional support state aid to zero for FY 2015-2016 and
18 FY 2016-2017.

19 The bill reduces the standing unlimited appropriation for FY
20 2015-2016 made for expenses of the general assembly under Code
21 section 2.12.

22 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. The bill
23 appropriates moneys to the department of corrections from the
24 general fund of the state for FY 2014-2015 for operations
25 including training and additional costs associated with the new
26 correctional facility located in Fort Madison. The moneys do
27 not revert until the close of the succeeding fiscal year and
28 the provision takes effect upon enactment.

29 The bill appropriates moneys to the department of public
30 health for FY 2014-2015 for purposes of providing a grant on
31 behalf of substance-related disorder treatment providers. The
32 moneys do not revert until the close of the succeeding fiscal
33 year and the provision takes effect upon enactment.

34 The bill appropriates moneys to the department of
35 public health for FY 2014-2015 for purposes of providing a

1 collaborative effort between certain entities for heart attack
2 patients. The moneys do not revert until the close of the
3 fiscal year that begins July 1, 2017, and the provision takes
4 effect upon enactment.

5 The bill requires the judicial branch to file a report with
6 the general assembly regarding possible efficiencies in the
7 collection of court debt.

8 The bill allows an Iowa community college that entered into
9 a new jobs training agreement pursuant to Code chapter 260E,
10 which was effective in April 2012, with an Iowa employer to
11 enter into a new agreement with such employer pursuant to Code
12 chapter 260E, which will be effective September 2015, and may
13 use the base employment determined in April 2012 as the base
14 employment for determining the new jobs eligible under the new
15 agreement if the base employment determined in April 2012 was
16 2,125 employees. The new agreement under Code chapter 260E
17 shall be limited to seven years from the effective date of the
18 agreement.

19 The bill eliminates a reference to salary range nine
20 for the executive director of the Iowa telecommunications
21 and technology commission and allows the salary to be set
22 within the applicable salary range established by the general
23 assembly.

24 Code section 43.45(3), as enacted by 2015 Iowa Acts, Senate
25 File 415, section 1, is amended to allow county commissioners
26 of elections using digital counting technology to direct the
27 precinct election officials to print the write-in report
28 containing digital images of write-in votes for delivery to the
29 special precinct board.

30 The bill creates new Code section 91A.5B to provide that an
31 employer shall treat an employee who chooses to adopt in the
32 same manner as an employee who is the biological parent of a
33 newborn child for purposes of employment policies, benefits,
34 and protections for the first year of the adoption.

35 The bill amends Code section 123.132, subsection 3, as

1 enacted by 2015 Iowa Acts, Senate File 456, section 1, relating
2 to requirements for containers of beer other than the original
3 container that is sold and sealed.

4 The bill amends Code section 136C.3 to establish a
5 notification requirement for mammogram reports to patients.
6 The bill directs the department of public health to adopt
7 rules that require a facility performing mammography services
8 to include information on breast density in reports sent to
9 patients pursuant to federal law and rules. If a patient
10 is categorized by an interpreting physician at the facility
11 as having heterogeneously dense breasts or extremely dense
12 breasts based on national standards the report to the patient
13 must include notice that the patient has dense breast tissue,
14 that this may make it more difficult to detect cancer on a
15 mammogram, and that it may increase the patient's risk of
16 breast cancer. The bill provides language that such notice
17 may contain. The bill's provisions are not to be construed
18 to modify the existing liability of a facility performing
19 mammography services beyond the duty to provide the breast
20 density information. Facilities providing mammography services
21 must comply with the bill's requirements by January 1, 2016.

22 Currently, a governmental entity cannot receive remittances
23 of sales tax revenue under the flood mitigation program after
24 20 years from the date the governmental entity's project was
25 approved. The bill amends Code section 418.15 to allow such
26 remittances to be received if calculated based on sales subject
27 to tax occurring before the expiration of the 20-year period.

28 The bill amends Code section 602.1304 to increase the
29 maximum annual deposit amount for the enhanced court
30 collections fund for FY 2015-2016, FY 2016-2017, and FY
31 2017-2018, to \$7 million; for FY 2018-2019 to \$5 million; and
32 for FY 2019-2020, and each fiscal year thereafter to \$4.5
33 million. Currently, the maximum annual deposit amount is \$4
34 million.

35 The bill amends Code section 633.535 to provide that a

1 person convicted of certain felonies perpetrated against a
2 decedent in the six months immediately prior to the decedent's
3 death is not entitled, as a named beneficiary of a bond,
4 life insurance policy, or any other contractual arrangement,
5 to any benefit under the bond, policy, or other contractual
6 arrangement, and the benefits become payable as though the
7 person causing death had predeceased the decedent. However,
8 the bill allows such a decedent, in the six months prior to
9 death, to affirm by affidavit that the named beneficiary should
10 receive the described benefit despite the felony conviction.
11 The bill applies to felonies in the following Code chapters:
12 707 (homicide and related crimes), 708 (assault and related
13 offenses), 709 (sexual abuse and related sexual offenses), and
14 710 (kidnapping and related offenses).

15 The bill amends Code section 708.2A to include an assault, as
16 defined in Code section 708.1, that occurs between persons who
17 are in an intimate relationship or who have been in an intimate
18 relationship and who have had contact within the past year
19 of the assault, in the definition of domestic abuse assault
20 pursuant to Code section 708.2A. In determining whether
21 persons are or have been in an intimate relationship, the court
22 may consider the duration of the relationship, the frequency of
23 interaction, whether the relationship has been terminated, and
24 the nature of the relationship, characterized by either party's
25 expectation of sexual or romantic involvement. A person who
26 commits domestic abuse assault commits a simple misdemeanor,
27 a serious misdemeanor, an aggravated misdemeanor, or a class
28 "D" felony depending upon the circumstances involved in the
29 offense. A simple misdemeanor is punishable by confinement for
30 no more than 30 days or a fine of at least \$65 but not more
31 than \$625 or by both; a serious misdemeanor is punishable by
32 confinement for no more than one year and a fine of at least
33 \$315 but not more than \$1,875; an aggravated misdemeanor is
34 punishable by confinement for no more than two years and a fine
35 of at least \$625 but not more than \$6,250; and a class "D"

1 felony is punishable by confinement for no more than five years
2 and a fine of at least \$750 but not more than \$7,500.

3 The bill creates new Code section 708.11A to provide that a
4 person commits unauthorized placement of a global positioning
5 device, when, with intent to intimidate, annoy, or alarm
6 another person, the person, without the consent of the other
7 person, places a global positioning device on the other person
8 or an object in order to track the movements of the other
9 person without a legitimate purpose. A person who violates the
10 bill commits a serious misdemeanor. A serious misdemeanor is
11 punishable by confinement for no more than one year and a fine
12 of at least \$315 but not more than \$1,875.

13 SALARIES, COMPENSATION, AND RELATED MATTERS. The bill
14 allows salary adjustments to be funded using departmental
15 revolving, trust, or special funds for which the general
16 assembly has established an operating budget.

17 The bill requires the salaries model administrator to work
18 in conjunction with the legislative services agency to maintain
19 the state's salary model used for analyzing, comparing, and
20 projecting state salary and benefit information.

21 CORRECTIVE PROVISIONS. Code section 123.122, Code 2015,
22 as amended by 2015 Iowa Acts, House File 536, section 48, is
23 amended to change an additional instance of the word "division"
24 to "subchapter" in order to distinguish between references to
25 subunits of Code chapter 123 (subchapters) and references to
26 the alcoholic beverages division of the department of commerce
27 (division).

28 Code sections 227.10, 227.14, 229.1B, 229.2(1)(b)(3),
29 229.8(1), 229.10(1)(a), 229.11(1)(ul), 229.13(1)(a),
30 229.14(2)(a), 229.14A(7), 229.42(1), 230.1(3), 230.20(2)(b),
31 and 426B.5(2)(c), Code 2015, as amended by 2015 Iowa Acts,
32 Senate File 463, sections 53, 56, 59, through 66, 68, 69, 71,
33 and 78, are amended to correct references to the official name
34 of the mental health and disability services regions.

35 Code section 279.10(1), Code 2015, as amended by 2015 Iowa

1 Acts, Senate File 227, section 2, is amended to strike a
2 reference to a Code provision relating to a pilot program for
3 an innovative school year. The pilot program provision was
4 stricken by Senate File 227, effective April 10, 2015. This
5 amendment is made retroactively applicable to April 10, 2015.

6 Code section 459A.302(1)(a)(ul), Code 2015, as amended by
7 2015 Iowa Acts, House File 583, section 33, if enacted, is
8 amended to add a missing reference to an animal truck wash
9 effluent structure in a portion of a sentence that already
10 refers to such a structure.

11 Code section 459A.302(2)(a), Code 2015, as amended by 2015
12 Iowa Acts, House File 583, section 34, if enacted, is amended
13 to delete a superfluous and conflicting indefinite article
14 before the term "animal truck wash effluent structure", as
15 the definite article at the beginning of the sentence already
16 modifies the term.

17 Code section 459A.404(3)(b) and (c), if enacted by 2015 Iowa
18 Acts, House File 583, section 41, are amended to complete a
19 sentence by specifying the requirement which does not apply
20 when an unformed animal truck wash effluent structure is
21 replaced with a formed animal truck wash effluent structure.

22 Code section 459A.411, Code 2015, as amended by 2015 Iowa
23 Acts, House File 583, section 43, if enacted, is amended to
24 correct the verb in a sentence phrase that includes a plural
25 rather than a singular subject.

26 Code section 476.53(3)(a)(1), Code 2015, as amended by 2015
27 Iowa Acts, House File 535, section 61, is amended to correct
28 an internal reference due to elimination of an unnumbered
29 paragraph and the renumbering of the Code subunits in language
30 relating to construction or significant alteration of electric
31 power generating facilities.

32 Code section 602.3205(3)(b), if enacted by 2015 Iowa
33 Acts, Senate File 404, section 5, is amended to correct a
34 reference to audio recordings that are provided "to the board"
35 of examiners of shorthand reporters pursuant to this Code

1 provision.

2 Code section 602.11113, Code 2015, as amended by 2015 Iowa
3 Acts, House File 536, section 177, is amended to reverse the
4 inadvertent deletion of the preposition "to" in language
5 substituting the actual effective date of legislation relating
6 to the 1983 court system reorganization and the employment of
7 bailiffs as court attendants.

8 Code section 714.23(4A)(a), if enacted by 2015 Iowa Acts,
9 Senate File 501, section 2, or 2015 Iowa Acts, House File
10 663, section 2, is amended to insert the word "section"
11 inadvertently missing before a Code section numerical reference
12 in this provision relating to student tuition refunds.

13 Code section 902.1(2)(a)(ul), as enacted by 2015 Iowa
14 Acts, Senate File 448, section 1, is amended to replace the
15 inadvertent omission of the preposition "of" in language
16 relating to the sentencing options applicable to a defendant
17 convicted of murder in the first degree who was under the age
18 of 18 at the time the offense was committed. This amendment
19 is made retroactively applicable to the effective date of 2015
20 Iowa Acts, Senate File 448.

21 Code section 916.1, subsection 1, as enacted by 2015 Iowa
22 Acts, House File 496, section 1, is amended to reconcile the
23 definitions for the terms "confidential communication" and
24 "confidential information" as the second term and definition
25 further specify the type of information considered confidential
26 as that information relates to a confidential communication.

27 REIMBURSEMENT OF DEFENSE COSTS. This bill relates to the
28 reimbursement of certain defense costs of peace officers and
29 corrections officers.

30 Under current law, Code section 80.37 provides that
31 a peace officer will be reimbursed for certain defense
32 costs. Code section 80.37 defines "peace officer" as a
33 member, except a non-peace officer member, of the division
34 of state patrol, narcotics enforcement, state fire marshal,
35 or criminal investigation, including but not limited to a

1 gaming enforcement officer, who has passed a satisfactory
2 physical and mental examination, who has been duly appointed
3 by the department of public safety, and who is employed by any
4 division of the department of public safety.

5 Code section 80.37 provides that if an officer is charged
6 with the alleged commission of a public offense, based on acts
7 or omission within the scope of the officer's lawful duty
8 or authority, and the charge is dismissed or the officer is
9 acquitted, the officer shall be reimbursed for costs incurred
10 in defending the charge if the court finds that the charge
11 was without probable cause, filed for malicious purposes, or
12 was unwarranted in consideration of the circumstances. Code
13 section 80.37 also provides that if a court fails to award
14 reimbursement of defense costs to an officer, the officer may
15 apply for judicial review of that decision.

16 The bill expands the type of peace officer who is entitled
17 to reimbursement of certain defense costs and moves Code
18 section 80.37 to new Code section 80F.2. The bill adds to
19 the definition of "peace officer" the following: a sheriff
20 and sheriff's regular deputy who is subject to mandated law
21 enforcement training, marshal and police officer of a city,
22 parole officer acting pursuant to Code section 906.2, probation
23 officer acting pursuant to Code sections 602.7202(4) and 907.2,
24 peace officer employed by board of regents institutions as
25 set forth in Code section 262.13, conservation officer as
26 authorized by Code section 456A.13, employee of the department
27 of transportation designated as a peace officer by resolution
28 of the department under Code section 321.477, employee of
29 an aviation authority designated as a peace officer by the
30 authority under Code section 330A.8(16), and such person as may
31 be otherwise so designated by law.

32 The bill also provides that a corrections officer is
33 entitled to reimbursement of certain defense costs in the same
34 manner as a peace officer.

35 RENEWABLE FUELS INFRASTRUCTURE PROGRAM. The bill expands

1 the renewable fuel infrastructure program for retail motor fuel
2 sites by providing that state moneys may be used to finance
3 infrastructure associated with storing and dispensing ethanol
4 blended gasoline classified as E-15. The bill provides that
5 the infrastructure so financed must always be used to store and
6 dispense E-15 and during nonsummer months (from September 16 to
7 May 31) it must be designated as a registered fuel recognized
8 by the United States environmental protection agency.

9 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM. This division
10 establishes a state employee retirement incentive program.

11 The division establishes a state employee retirement
12 incentive program for eligible employees of the executive
13 branch of the state, including employees in the offices of
14 statewide elective officials, employees of a judicial district
15 department of correctional services, and if the board of
16 regents approves, employees of the state board of regents and
17 its institutions. The bill permits, but does not require,
18 either the legislative branch or the judicial branch to
19 establish an early retirement program consistent with the
20 program provided to executive branch employees in the bill.
21 An elected official, or an employee eligible for an enhanced
22 sick leave conversion program under Code section 70A.23(4)
23 are excluded from participating in the program. The program
24 shall be administered by the department of administrative
25 services. The bill permits eligible executive branch employees
26 who have completed an application for benefits under the Iowa
27 public employees' retirement system (IPERS) with an intended
28 first month of entitlement of no later than September 2015 to
29 separate from service with the state and receive a benefit
30 under the program. To receive the incentive benefit, an
31 eligible employee must submit an application to participate
32 in the program by July 31, 2015, be accepted to participate
33 in the program by the departments of administrative services
34 and management, separate from state employment by August 27,
35 2015, and acknowledge the employee's ineligibility to return

1 to employment with the state.

2 The bill provides that the benefit provided to an eligible
3 employee who participates in the program is an amount equal to
4 the entire value of the eligible employee's accumulated but
5 unused vacation plus, if the employee has at least 10 years
6 of state employment, \$1,000 for each year of state employment
7 up to 25 years. The bill provides that this amount shall be
8 payable in five equal installments each year during September
9 beginning in November 2015. In addition, the bill provides
10 that a participant in the program, or the participant's
11 surviving spouse, shall receive a health insurance premium
12 benefit to pay the premium cost for eligible state group
13 health insurance for five years following the participant's
14 termination from state employment. However, the bill provides
15 that a participant shall receive the health insurance premium
16 benefit only when the participant is no longer eligible for,
17 or exhausts, the participant's available remaining value of
18 sick leave used to pay the state share for the participant's
19 continuation of state group health insurance coverage as
20 provided in Code section 70A.23, subsection 3.

21 The bill further provides that an employer shall not hire a
22 participant in the program for any employment.

23 The division takes effect upon enactment.

24 SCHOOL AID — PERCENT OF GROWTH. The bill establishes a
25 state percent of growth of 2.625 percent for the school budget
26 year beginning July 1, 2015. The bill also establishes a state
27 percent of growth of 4 percent for the school budget year
28 beginning July 1, 2016.

29 The bill establishes a categorical state percent of growth
30 of 2.625 percent for the school budget year beginning July 1,
31 2015. The bill establishes a categorical state percent of
32 growth of 4 percent for the school budget year beginning July
33 1, 2016.

34 The requirements of Code section 257.8, subsections 1 and
35 2, regarding the enactment of bills establishing the regular

1 program state percent of growth and the categorical state
2 percent of growth within 30 days of the submission in the
3 year preceding the base year of the governor's budget and the
4 subject matter limitations of bills establishing the state
5 percent of growth and the categorical state percent of growth
6 do not apply to this division of the bill.

7 The division takes effect upon enactment.

8 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION. The
9 bill conditionally appropriates moneys from the general fund of
10 the state to the department of transportation an amount that a
11 city would have received from March 2011 until the effective
12 date of the division of the Act if the moneys were apportioned
13 according to the population requirements provided in Code
14 section 312.3, subsection 2, paragraph "d". The provisions
15 take effect upon enactment and apply retroactively to March
16 2011.

17 DRUG OVERDOSE PREVENTION. The bill relates to drug overdose
18 prevention and the prescription and administration of opioid
19 antagonists, and provides immunity from certain criminal
20 offenses for a person who seeks medical assistance for a person
21 experiencing an overdose.

22 The bill defines an "opioid antagonist" as a drug that binds
23 to opioid receptors and blocks or inhibits the effects of
24 opioids acting on those receptors, including but not limited
25 to naloxone hydrochloride or any other similarly acting drug
26 approved by the United States food and drug administration.

27 The bill provides that if an employee is provided care under
28 Code chapter 85 (workers' compensation), and the health care
29 professional providing care believes the employee is at risk of
30 an opioid-related overdose, the cost of a prescription for an
31 opioid antagonist shall be paid by the employer or insurance
32 carrier.

33 The bill provides that certain information collected or
34 derived from an overdose patient or overdose reporter shall
35 not be considered to support probable cause and shall not be

1 admissible as evidence against an overdose patient or overdose
2 reporter for certain controlled substance-related crimes.

3 The bill provides that a person who is a friend or family
4 member of, or is otherwise in position to assist, a person
5 at risk of an opioid-related overdose may possess an opioid
6 antagonist.

7 The bill directs the department of public health to develop
8 standards for recordkeeping and reporting of opioid-antagonist
9 use by first responders and to provide an annual report to the
10 general assembly with recommendations regarding the use of
11 opioid antagonists. The bill further directs the department
12 of public health to develop protocols and instructions for the
13 administration of an opioid antagonist and make the protocols
14 and instructions publicly available.

15 The bill provides that a health care professional otherwise
16 authorized to prescribe an opioid antagonist may directly, by
17 standing order, or through collaborative agreement, prescribe
18 or furnish an opioid antagonist to a person at risk of
19 experiencing an opioid-related overdose or to a family member
20 or friend of, or other person in a position to assist, a person
21 at risk of experiencing an opioid-related overdose. The bill
22 provides that a health care professional licensed to prescribe
23 an opioid antagonist is not subject to civil liability,
24 disciplinary action, or a civil or criminal penalty for
25 prescribing an opioid antagonist to a person whom the health
26 care professional reasonably believes may be in a position to
27 assist or administer the opioid antagonist to a person at risk
28 of an opioid-related overdose.

29 The bill provides that an emergency medical care provider
30 or a law enforcement officer who has been trained in the
31 administration of an opioid antagonist and acts with
32 reasonable care in administering an opioid antagonist to
33 another person who the emergency medical care provider or law
34 enforcement officer believes in good faith to be suffering an
35 opioid-related overdose is not subject to civil liability,

1 disciplinary action, or a civil or criminal penalty for an act
2 or omission related to or resulting from the administration.

3 The bill provides that a person who is not licensed to
4 prescribe, dispense, or administer opioid antagonists may, in
5 an emergency, administer an opioid antagonist if the person
6 believes in good faith that the other person is suffering
7 an opioid-related overdose. The bill further provides that
8 the person is not subject to civil liability, disciplinary
9 action, or a civil or criminal penalty for an act or omission
10 related to or resulting from the administration of the opioid
11 antagonist.

12 The bill directs the department of human services to include
13 an opioid antagonist on the medical assistance preferred drug
14 list. The bill provides that, under the medical assistance
15 program, a prescription for an opioid antagonist is not subject
16 to prior authorization or other utilization management if the
17 prescriber deems the opioid antagonist medically necessary.

18 COUNTY COURTHOUSES. The bill strikes a requirement that
19 court be held in Avoca in Pottawattamie county. The bill
20 repeals 1884 Iowa Acts, chapter 198, relating to the holding of
21 court in Avoca in Pottawattamie county.

22 REFUGEE FAMILY SUPPORT SERVICES. The bill establishes
23 a refugee family support services pilot program and makes
24 appropriations. The bill directs the bureau of refugee
25 services within the department of human services to establish
26 and administer the refugee family support services pilot
27 program to provide a grant to a state, local, or community
28 organization working with refugee populations for contracting
29 with and training multiple refugees to act as refugee community
30 navigators. The bill requires the grant to be used for
31 employment costs of a program manager and a community navigator
32 coordinator, and the contract and stipend costs for multiple
33 refugee community navigators. The bill directs the bureau
34 of refugee services to award one grant through a competitive
35 application process and to provide funding for the organization

1 over a three-year period. The bill requires the recipient
2 organization to provide the bureau with annual progress reports
3 and requires the bureau to present an outcomes report to the
4 general assembly.

5 The bill appropriates \$750,000 from the general fund of the
6 state to the department of human services for FY 2014-2015 for
7 a pilot project in a county with a population over 350,000 as
8 determined by the 2010 federal decennial census, and allows the
9 moneys to be carried forward to the next fiscal year.

10 The division takes effect upon enactment.

11 DEPARTMENT OF MANAGEMENT — DUTIES. The bill transfers
12 duties of the department of management for targeted small
13 businesses and state programs for equal opportunity to
14 the department of administrative services. The bill makes
15 conforming amendments.

16 CLAIMS AGAINST THE STATE AND BY THE STATE. Payments
17 authorized by the state appeal board are paid under current law
18 from the appropriation or fund of original certification of the
19 claim. The bill provides that if such appropriation or fund
20 has since reverted, then such payment is from the Iowa economic
21 emergency fund and then the general fund of the state if the
22 Iowa economic emergency fund is insufficient. The bill creates
23 a standing unlimited appropriation from the Iowa economic
24 emergency fund to the state appeal board for the payment of
25 such claims.

26 STATE GEOLOGICAL SURVEY. Currently, the geological survey
27 of the state is created in the department of natural resources
28 and the director of the department of natural resources
29 appoints the state geologist. The bill moves the state
30 geological survey to the IIHR — hydroscience and engineering
31 unit of the university of Iowa college of engineering and
32 requires the director of the unit to appoint the state
33 geologist.

34 The bill provides that the state geological survey's mission
35 is to acquire information regarding mineral and water resources

1 in the state and to provide publications, consultant services,
2 and a library of databases.

3 The bill requires the state geological survey to cooperate
4 with federal and state agencies to maximize the benefits
5 derived from resource assessments and to expand educational and
6 technology transfer programs.

7 The bill requires the state geological survey to be located
8 in or in proximity to Iowa City.

9 The bill makes conforming amendments and provides
10 transitional provisions.

11 The bill appropriates \$1 million from the general fund of
12 the state to the university of Iowa for purposes of the state
13 geological survey.

14 The bill reduces by \$1 million the appropriation to the
15 department of natural resources in 2015 Iowa Acts, Senate
16 File 494, if enacted, for the fiscal year beginning July 1,
17 2015, for purposes of supporting the department including
18 administration, regulation, and programs. The bill reduces
19 by \$500,000 the appropriation to the department of natural
20 resources in 2015 Iowa Acts, Senate File 494, if enacted,
21 for the fiscal year beginning July 1, 2016, for purposes of
22 supporting the department including administration, regulation,
23 and programs.

24 REVIVAL OF USE RESTRICTIONS. The bill relates to the ability
25 of a common interest community to revive use restrictions.

26 The bill defines "common interest community" as real
27 estate described in a declaration with respect to which a
28 person, by virtue of the person's ownership of a parcel, is
29 obligated to pay for a share of real estate taxes, insurance
30 premiums, maintenance, or improvement of, or services or other
31 expenses related to, common elements, other parcels, or other
32 real estate described in the declaration. "Common interest
33 community" includes a cooperative under Code chapter 499A and a
34 horizontal property regime under Code chapter 499B.

35 The bill references the definition of "use restriction"

1 in Code section 614.24 which is a limitation or prohibition
2 on the rights of a landowner to make use of the landowner's
3 real estate, including but not limited to limitations or
4 prohibitions on commercial uses, rental use, parking and
5 storage of recreational vehicles and their attachments,
6 ownership of pets, outdoor domestic uses, construction and
7 use of accessory structures, building dimensions and colors,
8 building construction materials, and landscaping. "Use
9 restriction" does not include an easement granting a person
10 an affirmative right to use land in the possession of another
11 person including but not limited to an easement for pedestrian
12 or vehicular access, reasonable ingress and egress, solar
13 access, utilities, supporting utilities, parking areas, bicycle
14 paths, and water flow, an agreement between two or more parcel
15 owners providing for the sharing of costs and other obligations
16 for real estate taxes, insurance premiums, and for maintenance,
17 repair, improvements, services, or other costs related to
18 two or more parcels of real estate regardless of whether the
19 parties to the agreement are owners of individual lots or
20 incorporated or unincorporated lots or have ownership interests
21 in common areas in a horizontal property regime or residential
22 housing development, or an agreement between two or more
23 parcel owners for the joint use and maintenance of driveways,
24 party walls, landscaping, fences, wells, roads, common areas,
25 waterways, or bodies of water.

26 Under Code section 614.24, no action arising or existing
27 by reason of the provisions of any contract providing for use
28 restrictions in and to real estate may be maintained after 21
29 years from the recording of the contract unless a claimant has
30 filed a verified claim with the county recorder within the
31 21-year period.

32 The bill provides a mechanism for common interest
33 communities to revive use restrictions which have become barred
34 by operation of Code section 614.24. A proposal to revive
35 use restrictions may be brought by the executive board of the

1 homeowners' association or by petition of parcel owners who own
2 at least 10 percent of the affected parcels.

3 The bill specifies the form of the notice the executive board
4 shall provide to parcel owners regarding a proposal for the
5 revival of use restrictions. The proposal may be voted upon at
6 a meeting which shall be held no less than 14 days and no more
7 than 60 days after notice was provided to the parcel owners.
8 The proposal may also be voted on by written ballot. If the
9 vote is by written ballot, the notice must specify when ballots
10 are due, which must be no earlier than 14 days and no later than
11 60 days after the written ballots were delivered.

12 Upon proper notice, if the owners of a majority of the
13 affected parcels in the common interest community approve the
14 revival of lapsed use restrictions, the lapsed use restrictions
15 are revived as to all parcels in the common interest community.

16 The revived use restrictions become effective upon
17 recordation. The revived use restrictions are not given
18 retroactive applicability. Revived use restrictions may not be
19 enforced against a parcel if a parcel owner made a good-faith
20 investment that would be impaired by such enforcement and such
21 investment was made while the use restriction was unenforceable
22 under Code section 614.24 and before the use restriction was
23 revived under new Code chapter 564B.

24 The bill provides that if use restrictions are revived under
25 new Code chapter 564B, the 21-year limitation period under Code
26 chapter 614.24 begins as of the recordation date of the revived
27 use restrictions.

28 This division of the bill applies to common interest
29 communities created prior to, and still in existence on, July
30 1, 2015, and created on or after July 1, 2015.

31 INTEROPERABLE COMMUNICATIONS. The bill adds two new members
32 to the statewide interoperable communications system board,
33 increasing the voting members on the board to 17. One new
34 member shall be a representative of local emergency management
35 coordinators and the other new member shall be a representative

1 of emergency medical service providers.

2 HUMAN TRAFFICKING. The bill relates to human trafficking
3 and includes a penalty provision.

4 The bill requires law enforcement officers to complete
5 four hours of in-service training every five years related to
6 domestic assault, sexual assault, human trafficking, stalking,
7 and harassment. The in-service training must be approved by
8 the Iowa law enforcement academy in consultation with the Iowa
9 coalition against sexual assault and the Iowa coalition against
10 domestic violence.

11 The bill directs the crime victim assistance division of the
12 department of justice, in cooperation with other governmental
13 agencies and nongovernmental or community organizations, to
14 develop and conduct outreach, public awareness, and training
15 programs related to human trafficking. The programs are for
16 the general public, law enforcement agencies, first responders,
17 potential victims, and persons conducting or regularly dealing
18 with businesses that have a high statistical incidence of
19 debt bondage or forced labor or services, and are intended
20 to train participants to recognize and report incidents of
21 human trafficking and to suppress the demand that fosters
22 exploitation of persons and leads to human trafficking.

23 Under current law, the department of justice may use up to
24 \$100,000 from the victim compensation fund to provide training
25 to victim service providers. The bill provides that the
26 department of justice may use up to \$300,000 each fiscal year
27 to provide training programs to victim service providers, to
28 provide training to related professionals concerning victim
29 service programming, and to provide training concerning
30 homicide, domestic assault, sexual assault, stalking,
31 harassment, and human trafficking.

32 The bill requires the division of criminal and juvenile
33 justice planning of the department of human rights to collect
34 and maintain criminal history data on incidents related to
35 human trafficking, and to submit an annual report to the

1 general assembly concerning the collected data. The bill
2 defines "incidents related to human trafficking" to mean
3 criminal violations of Code section 710.5 (child stealing),
4 710.11 (purchase or sale of individual), 710A.2 (human
5 trafficking), 725.1(2) (prostitution), 725.2 (pimping), 725.3
6 (pandering), or violations of Code section 710.2 (kidnapping in
7 the first degree), 710.3 (kidnapping in the second degree), or
8 710.4 (kidnapping in the third degree) if the victim was forced
9 to provide labor or services or participate in commercial
10 sexual activity.

11 The bill amends the definition of "forcible felony"
12 to include human trafficking. "Human trafficking" means
13 participating in a venture to recruit, harbor, transport,
14 supply provisions, or obtain a person for either forced labor
15 or service that results in involuntary servitude, peonage,
16 debt bondage, or slavery, or for commercial sexual activity
17 through the use of force, fraud, or coercion, except that if
18 the trafficked person is under the age of 18, the commercial
19 sexual activity need not involve force, fraud, or coercion.
20 As an offense that is a forcible felony, a person convicted
21 of human trafficking would not be eligible for a suspended or
22 deferred sentence, or a deferred judgment.